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JOURNAL

OF THE

Constitutional CONVENTION OF THE STATE OF MISSOURI,

ASSEMBLED AT THE CITY OF JEFFERSON ON MONDAY THE SEVENTEENTH
DAY OF NOVEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND
EIGHT HUNDRED AND FORTY-FIVE, PURSUANT TO AN ACT
OF THE GENERAL ASSEMBLY OF THE STATE OF MIS-
SOURI, ENTITLED "AN ACT TO PROVIDE FOR
THE CALL OF A CONVENTION," AP-
PROVED FEBRUARY 27, 1843.

*This Constitution framed
by the Convention was rejected by
the people of Missouri.*

PRINTED BY ORDER OF THE CONVENTION.



CITY OF JEFFERSON.

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1845.

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JOURNAL

OF THE

CONVENTION OF THE STATE OF MISSOURI.

MONDAY MORNING, NOVEMBER 17, 1845.

On motion of Mr. Massey;

Mr. Acock was called to the Chair, and Falkland H. Martin, Esq., was requested to act as Secretary *pro tem*.

The roll being called, the following gentlemen appeared, produced their credentials, were qualified and took their seats:

From the First District—Edwin D. Bevitt, *John D. Coalter*

From the Second District—Ezra Hunt and James O. Broadhead.

From the Third District—Joshua Gentry and Thomas L. Anderson.

From the Fourth District—James S. Green, *James L. Jones*

From the Fifth District—John C. Griffin and Moses H. Simonds.

From the Sixth District—Joseph B. Nickel and James M. Fulkerson.

From the Seventh District—Jonathan M. Bassett and Robert M. Stewart.

From the Eighth District—John E. Pitt, Daniel Branstetter, Thompson Ward, and Roland Brown.

From the Ninth District—William Y. Slack and Hiram Wilcoxson.

From the Tenth District—Claiborne F. Jackson and Lisbon Applegate.

From the Eleventh District—Hancock Jackson and Elias Kincheloe.

From the Twelfth District—David M. Hickman, *John F. Stone*

From the Thirteenth District—Benjamin Young and A. O. Foxshey.

From the Fourteenth District—Robert W. Wells and James W. Morrow.

From the Fifteenth District—Charles Jones and Joseph B. Wells.

From the Sixteenth District—James Farquhar, Philip Pipkin, William B. Pannell, and William M. Davis.

From the Seventeenth District—Thomas M. Horine and Corbin Alexander.

From the Eighteenth District—David Porter, *Franklin Cannon*

From the Nineteenth District—Abraham Hunter and Robert Gibbony.

From the Twentieth District—John Buford and Theodore F. Tong.

From the Twenty-First District—Thomas B. Neaves and Burton A. James.

From the Twenty-Second District—William C. Jones and Benjamin F. Massey.

From the Twenty-Third District—Robert E. Acock and Samuel H. Bunch.

From the Twenty-Fourth District—John McHenry and Aaron Finch.

From the Twenty-Fifth District—Duke W. Simpson, Nathaniel C. Mitchell, Thompson M. Ewing, and Samuel H. Woodson.

From the Twenty-Sixth District—M. M. Marmaduke and William Shields.

From the Twenty-Seventh District—F. W. G. Thomas and Charles M. Brooking.

From the Twenty-Eighth District—William M. Campbell, Frederick Hyatt, Trusten Polk, Miron Leslie and Joseph Foster, *Wick Wright*

On motion of Mr. Ward,

The Convention proceeded to the election of a President; when Mr. Simpson nominated Robert W. Wells.

Mr. Kincheloe nominated Abraham Hunter; and

Mr. Thomas nominated M. M. Marmaduke.

The roll being called the vote stood as follows:

For Mr. Wells—Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brown, Ewing, Fulkerson, Horine, Hunt, Jones of Franklin, Leslie, Morrow, Nickel, Pannell, Pitt, Polk, Simonds, Simpson, Stewart, Ward, Wells of Warren, and Woodson—24.

For Mr. Hunter—Messrs. Alexander, Buford, Bunch, Campbell, Farquhar, Finch, Foster, Gentry, Gibbony, Griffin, James, Kincheloe, Marmaduke, McHenry, Neaves, Porter, Slack, Tong, Wells of Cole, Wilcoxson and Young—21.

For Mr. Marmaduke—Messrs. Acock, Brooking, Davis, Green, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Newton, Massey, Mitchell, Shields and Thomas—14.

For Mr. Campbell—Mr. Forshey.

Neither candidate having received a majority of all the votes given, the Convention proceeded to a second ballot, when there appeared:

For Mr. Wells—Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brown, Ewing, Fulkerson, Griffin, Horine, Hunt, Jones of Franklin, Jones of Newton, Leslie, Morrow, Nickel, Pannell,

Pitt, Polk, Simonds, Simpson, Slack, Stewart, Ward, Wells of Warren, Wilcoxson and Woodson—28.

For Mr. Hunter—Messrs. Alexander Buford, Bunch, Campbell, Farquhar, Foster, Gentry, Gibbony, James, Kincheloe, Marmaduke, McHenry, Neaves, Porter, Tong, Wells of Cole, and Young—17.

For Mr. Marmaduke—Messrs. Acock, Brooking, Davis, Finch, Green, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Massey, Mitchell, Shields and Thomas—14.

For Mr. Campbell—Mr. Forshey.

Neither candidate having received a majority of all the votes given, the Convention proceeded to a third ballot, when there appeared—

For Mr. Wells—Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brown, Davis, Ewing, Fulkerson, Griffin, Horine, Hunt, Jones of Franklin, Jones of Newton, Leslie, Mitchell, Morrow, Nickel, Pannell, Pitt, Polk, Simonds, Simpson, Slack, Stewart, Ward, Wells of Warren, Wilcoxson and Woodson—30.

For Mr. Hunter—Messrs. Alexander, Buford, Campbell, Farquhar, Foster, Gentry, Gibbony, James, Kincheloe, Marmaduke, Neaves Porter, Tong, Wells of Cole, and Young—15.

For Mr. Marmaduke—Messrs. Acock, Brooking, Bunch, Finch, Green, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Massey, McHenry, Pipkin, Shields and Thomas—15.

For Mr. Campbell—Mr. Forshey.

No one having received a majority of all the votes given, the Convention proceeded to a fourth ballot, when there appeared:

For Mr. Wells—Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brown, Davis, Ewing, Fulkerson, Horine, Hunt, Jones of Franklin, Jones of Newton, Leslie, Mitchell, Morrow, Nickel, Pannell, Pitt, Polk, Simonds, Simpson, Slack, Stewart, Ward, Wells of Warren, Wilcoxson and Woodson—29.

For Mr. Hunter—Messrs. Alexander, Buford, Bunch, Campbell, Farquhar, Foster, Gentry, Gibbony, James, Kincheloe, Marmaduke, Neaves, Porter, Tong, Wells of Cole and Young—16.

For Mr. Marmaduke—Messrs. Acock, Brooking, Finch, Green, Griffin, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Massey, McHenry, Pipkin, Shields and Thomas—15.

For Mr. Campbell—Mr. Forshey.

Neither candidate having received a majority of all the votes given, the Convention proceeded to a fifth ballot, Mr. Hunter being withdrawn, when there appeared,

For Mr. Wells—Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brown, Davis, Ewing, Forshey, Fulkerson, Gentry, Griffin, Horine, Hunt, Jones of Franklin, Jones of Newton, Leslie, Marmaduke, Mitchell, Morrow, Neaves, Nickel, Pannell, Pitt, Polk, Simonds, Simpson, Slack, Stewart, Tong, Ward, Wells of Warren, Wilcoxson, Woodson and Young—36.

For Mr. Marmaduke—Messrs. Acock, Alexander, Brooking, Buford, Bunch, Campbell, Farquhar, Finch, Foster, Gibbony, Green, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Kincheloe, Massey, McHenry, Pipkin, Porter, Shields, Thomas and Wells of Cole—25.

Whereupon Mr. Wells having received a majority of all the votes given, was declared duly elected President of the Convention.

Mr. Jones of Newton, moved that the Chair appoint a committee of three to wait on the President and inform him of his election, which was agreed to, and thereupon the Chair appointed Messrs. Jones of Newton, Campbell and Marmaduke said committee. The committee conducted the President to the Chair, and he entered upon the duties of his office.

On motion of Mr. Ward, the Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of Mr. McHenry, the Convention proceeded to the election of a Secretary.

Mr. Shields nominated Solomon J. Lowe.

Mr. Bassett nominated James W. Denver.

Mr. Polk nominated Robert Walker.

The roll being called, the vote stood as follows:

For Mr. Lowe—Messrs. Brooking, Finch, Gentry, Green, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Neaves, Shields, Simpson and Thomas—17.

For Mr. Denver—Messrs. Bassett, Branstetter, Brown, Bunch, Fulkerson, Griffin, Hunter, Mitchell, Nickel, Pitt, Simonds, Slack, Stewart, Ward, Wilcoxson and Mr. President—16.

For Mr. Walker—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Broadhead, Buford, Davis, Ewing, Farquhar, Forshey,

Gibbony, Hickman, Horine, Hunt, Jones of Franklin, Leslie, Morrow, Pannell, Pipkin, Polk, Porter, Tong, Wells of Warren, Woodson and Young—26.

Neither candidate having received a majority of all the votes given, the Convention proceeded to a second ballot, when there appeared,

For Mr. Lowe—Messrs. Brooking, Finch, Gentry, Green, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Neaves, Shields, Simpson and Thomas—17.

For Mr. Denver—Messrs. Bassett, Branstetter, Brown, Bunch, Griffin, Hunter, Mitchell, Nickel, Pitt, Simonds, Slack, Stewart, Ward, Wilcoxson and Mr. President—15.

For Mr. Walker—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Broadhead, Buford, Campbell, Davis, Ewing, Farquhar, Forshy, Fulkerson, Gibbony, Hickman, Horine, Hunt, Jones of Franklin, Leslie, Morrow, Pannell, Pipkin, Polk, Porter, Tong, Wells, Woodson, and Young—28.

Neither candidate having received a majority of all the votes given, the Convention proceeded to a third ballot, when there appeared,

For Mr. Lowe—Messrs. Brooking, Finch, Gentry, Green, Griffin, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Newton, James, Kincheloe, Marmaduke, Massey, McHenry, Neaves, Shields, Simpson and Thomas—18.

For Mr. Denver—Messrs. Bassett, Branstetter, Brown, Bunch, Mitchell, Nickel, Pitt, Simonds, Slack, Stewart, Ward, Wilcoxson and Mr. President—13.

For Mr. Walker—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Broadhead, Buford, Campbell, Davis, Ewing, Farquhar, Forshy, Fulkerson, Gibbony, Hickman, Horine, Hunt, Hunter, Jones of Franklin, Leslie, Morrow, Pannell, Pipkin, Polk, Porter, Tong, Wells, Woodson and Young—29.

No one having received a majority of all the votes given, the Convention proceeded to a fourth ballot, when there appeared,

For Mr. Lowe—Messrs. Brooking, Finch, Gentry, Greene, Griffin, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Neaves, Shields, Simpson, Thomas and Wilcoxson—19.

For Mr. Denver—Messrs. Bassett, Branstetter, Brown, Bunch, Mitchell, Nickel, Simonds, Slack, Stewart, Ward and Mr. President—11.

For Mr. Walker—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Broadhead, Buford, Campbell, Davis, Ewing, Farquhar, Forshey, Fulkerson, Gibbony, Hickman, Horine, Hunt, Hunter, Jones of Franklin, Leslie, Morrow, Pannell, Pipkin, Pitt, Polk, Porter, Tong, Wells, Woodson and Young—30.

Neither candidate having received a majority of all the votes given, the Convention proceeded to a fifth ballot, when there appeared,

For Mr. Lowe—Messrs. Brooking, Finch, Gentry, Green, Griffin, Hyatt, Jackson of Randolph, Jackson of Howard, James, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Neaves, Shields, Simpson and Thomas—19.

For Mr. Denver—Messrs. Bassett, Branstetter, Bunch, Nickel, Simonds, Slack, Stewart, and Mr. President—8.

For Mr. Walker—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Broadhead, Brown, Buford, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gibbony, Hickman, Horine, Hunt, Hunter, Jones of Franklin, Leslie, Morrow, Pannell, Pipkin, Pitt, Polk, Porter, Tong, Ward, Wells, Wilcoxson, Woodson and Young—34.

Mr. Walker having received a majority of all the votes given, was declared duly elected, was qualified and entered upon the discharge of his duties.

Mr. Bevitt moved that the Convention proceed to the election of an Assistant Secretary.

Mr. Ward moved to lay the motion on the table; which was negatived; and the motion of Mr. Bevitt was agreed to.

Nominations being in order,

Mr. Jones of Franklin, nominated Solomon J. Lowe.

Mr. Farquhar nominated William W. Reynolds.

Mr. Griffin nominated William B. Baskett.

Mr. Bassett nominated James W. Denver.

Mr. Morrow nominated Alpheus Athey.

The roll being called, there appeared:

For Mr. Lowe—Messrs. Brooking, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Marmaduke, McHenry, Mitchell, Polk, Shields, Slack and Thomas—14.

For Mr. Reynolds—Messrs. Campbell, Davis, Farquhar, Hunter, Pannell and Pipkin—6.

For Mr. Baskett—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Broadhead, Brown, Buford, Bunch, Ewing, Forshey, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jack-

son of Randolph, Neaves, Nickel, Pitt, Porter, Ward, Wells, Wilcoxson, Woodson, Young, and Mr. President—31.

For Mr. Denver—Messrs. Bassett, Branstetter, Simonds, Simpson and Stewart—5.

For Mr. Athey—Messrs. Massey and Morrow—2.

Mr. Baskett having received a majority of all the votes given, was declared duly elected, was qualified and entered upon the discharge of his duties.

On motion of Mr. Jones of Newton,

The Convention proceeded to the election of a Door-keeper.

Mr. Jones of Newton, nominated John W. Price.

Mr. James nominated Richard B. Jackson.

The roll being called there appeared:

For Mr. Price—Messrs. Applegate, Branstetter, Brooking, Bunch, Ewing, Gentry, Greene, Griffin, Jackson of Howard, Jackson of Randolph, Jones of Newton, Kincheloe, Marmaduke, Massey, Pitt, Porter, Thomas, Tong, Wilcoxson and Woodson—20.

For Mr. Jackson—Messrs. Acock, Alexander, Anderson, Bevitt, Broadhead, Brown, Buford, Campbell, Davis, Farquhar, Finch, Forshy, Foster, Fulkerson, Gibbony, Hickman, Horine, Hunt, Hunter, Hyatt, James, Jones of Franklin, Leslie, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Shields, Simonds, Simpson, Slack, Ward, Wells, Young and Mr. President—39.

Mr. Jackson having received a majority of all the votes given, was declared duly elected, was qualified and entered upon the discharge of his duties.

Mr. McHenry offered the following resolution; which,

On motion of Mr. Ward, was laid on the table:

Resolved, That the rules of the Senate of the last General Assembly be adopted for the government of this Convention, so far as applicable, until otherwise ordered.

Mr. Marmaduke moved that the Convention proceed to elect a Sergeant-at-Arms; which,

On motion of Mr. Wells, was laid on the table.

Mr. Young offered the following resolution, which was adopted:

Resolved, That a committee of seven members be appointed by the President, to prepare rules for the government of the Convention.

The Chair appointed Messrs. Young, Marmaduke, Hunter, Campbell, Wells, Ward and Morrow said committee.

Mr. Jones of Newton, offered the following resolutions:

Resolved, 1st. That the Convention be arranged into the following standing committees:

1. A committee on Boundaries.

2. A committee on Legislative power.

3. A committee on Executive power.
4. A committee on Judicial power.
5. A committee on Education.
6. A committee on Internal Improvements.
7. A committee on Banks and Corporations.
8. A committee on Militia.
9. A committee on the Permanent Seat of Government.
10. A committee on the mode of amending the Constitution.
11. A committee on the Declaration of Rights.
12. A committee on Elections.

Resolved, 2d. That the committees shall each consist of ten members.

Resolved 3d. That the Secretary shall cause a list of each standing committee, as soon as the said committees shall be appointed, to be made out in a fair hand, and suspended in front of the Secretary's desk, and that he shall give to the Chairman of each committee, a list of the members composing the committee of which he is chairman.

Mr. McHenry moved to strike out all after the word "Resolved," and insert the following:

That the President be authorized to appoint the following committees:

1st. A committee to consist of nine members, to be styled the Executive committee, whose duty it shall be to take into consideration all that portion of the Constitution relating to the Executive Department.

2d. A committee to consist of nine members, to be styled the Judiciary committee, whose duty it shall be to take into consideration all that portion of the Constitution relating to the Judicial Department.

3d. A committee to consist of nine members, to be styled the Legislative committee, whose duty it shall be to take into consideration all that portion of the Constitution relating to the Legislative Department.

4th. A committee to consist of seven members, to be styled the Bank committee, whose duty it shall be to take into consideration all that portion of the Constitution relating to banks.

5th. A committee to consist of seven members to be styled the committee on Education, whose duty it shall be to take into consideration all that portion of the Constitution relating to education.

6th. A committee to consist of seven members, to be styled the Internal Improvement committee, whose duty it shall be to take into consideration all that part of the Constitution relating to internal improvements.

7th. A committee to consist of seven members, to be styled the committee on Militia, whose duty it shall be to take into consideration all that portion of the Constitution relating to military matters.

8th. A committee to consist of seven members, to be styled the committee on Rights and Privileges, whose duty it shall be to take into consideration all that portion of the Constitution relating to rights and privileges.

Mr. Hunter moved to refer the resolutions of Mr. Jones of Newton, and the substitute offered by Mr. McHenry to a select committee of nine members.

Mr. Ward moved to commit the resolution and substitute to a committee of the whole, and the question recurring on the motion of Mr. Hunter, the same was agreed to.

Mr. Ward introduced the following resolution, which was, on his motion, laid on the table until to-morrow:

Resolved, That the Convention will now proceed to elect a Vice President, whose duty it shall be to discharge the duties of the Chair when the President of the Convention shall be temporarily absent, and when the President shall be otherwise engaged.

Mr. Massey moved to take up the resolution of Mr. McHenry, relating to the adoption of the rules of the Senate at the last General Assembly.

On motion of Mr. Pipkin, the Convention adjourned until nine o'clock to-morrow morning.

TUESDAY MORNING, NOVEMBER 18, 1845.

Mr. John F. Stone, from the Twelfth district appeared, produced his credentials, was qualified and took his seat.

The committee on rules, by Mr. Young, their chairman, reported as follows, to wit:

The committee appointed to prepare rules for the government of the Convention, respectfully report that they have drawn up and herewith submit a set of rules of which they recommend the adoption to the Convention.

Which report was received.

The rules reported are as follows:

Rules for the government of the Convention to revise and alter the Constitution of the State of Missouri.

OF THE PRESIDENT.

First. He shall take the chair every day at the hour to which the Convention shall have adjourned, shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

Second. He shall preserve order and decorum; may speak to points of order in preference to the members, rising from his seat for that purpose; and shall decide all questions of order, subject to an appeal to the Convention, by any two members; on which appeal no member shall speak more than once, unless by leave of the Convention.

Third. He shall rise to put a question, but may state it sitting.

Fourth. When a question has been put, if the President doubts, or if a division be called for, the Convention shall divide; those in the affirmative shall arise from their seats, and afterwards those in the neg-

ative. The President shall then arise and state the decision of the Convention.

Fifth. All committees shall be appointed by the President, unless otherwise specially directed by the Convention, in which case they shall be appointed by an open vote of the Convention.

Sixth. The President shall examine and correct the Journal before it is read; he shall have a general superintendence of the Hall; he shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

Seventh. In case of any disturbance or disorderly conduct in the lobby, he (or the Chairman of the committee of the Whole Convention,) shall have power to order the same to be cleared.

Eighth. No person shall be admitted within the bar but members and officers of the Convention, and such other persons as may be invited by a member of the Convention to a seat within the bar.

OF DECORUM AND DEBATE.

Ninth. When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat and respectfully address himself to the President.

Tenth. If any member, in speaking or otherwise, shall transgress the rules of the Convention, the President shall, or any member may call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Convention, if appealed to, shall decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

Eleventh. When two or more members shall rise at once, the President shall name the person who is first to speak.

Twelfth. No member shall make use of any intemperate, personal, or improper language, nor commit any breach of order during the session of the Convention.

Thirteenth. No member shall speak more than twice on the same question, without leave of the Convention; nor more than once, until every member choosing to speak shall have spoken.

Fourteenth. Whilst the President is putting any question, or addressing the Convention, no person shall walk out of, or across the Hall; nor in such case, or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the Chair.

Fifteenth. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any other case when he was not present when the question was put, without leave of the Convention.

Sixteenth. Upon a division and count of the Convention on any question, no member without the bar shall be counted.

Seventeenth. Every member who shall be in the Convention when a

question is put shall vote, unless the Convention, for special reasons, shall excuse him.

Eighteenth. All motions and propositions shall be in writing, and signed by the mover, except motions to adjourn, to refer, to postpone, to print, to lay on the table, or for the previous question, or leave of absence; and every member making a proposition shall in his place read it distinctly to the Convention.

Nineteenth. When a question is made and seconded, it shall be stated by the President, or being in writing, it shall be handed to the Secretary, and by him read aloud before debated.

Twentieth. After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Convention, but may be withdrawn at any time before a decision or amendment.

Twenty-First. When a question is under debate, no motion shall be received but to adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the proposition.

Twenty-Second. A motion to adjourn shall always be in order, and shall be decided without debate.

Twenty-Third. All questions except those enumerated in rule 21st, shall be put in the order they are moved, except that in filling up blanks, the largest sum, and the longest time, shall be first put.

Twenty-Fourth. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by two-thirds of the members present; and until it is decided shall preclude all amendments and further debate of the main question, and must be decided without debate.

Twenty-Fifth. When the Convention adjourns, every member shall keep his seat until the President leaves his seat.

Twenty-Sixth. Any member may call for a division of the question when the sense will admit of it.

Twenty-Seventh. A motion for commitment till it is decided, shall preclude all amendments of the main question.

Twenty-Eighth. Motions, reports and other business may be committed at the pleasure of the Convention.

Twenty-Ninth. No new motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

Thirtieth. When a motion or proposition has been once carried in the affirmative or negative, it shall be in order for any member of the prevailing party to move for the reconsideration thereof at any time within three sitting days after such decision; provided, that the proposition which may be adopted or rejected, shall always be subject to reconsideration after two days notice being given thereof.

Thirty-First. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Convention.

Thirty-Second. The unfinished business in which the Convention was engaged at the time of the last adjournment, shall have the preference in the orders of the day; and no motion, or any other business, shall be received without special leave of the Convention, until the former is disposed of; but any business that is made the order of a particular day, shall have the preference over other business on that day.

Thirty-Third. Any seven members shall be authorized to compel the attendance of absent members, when there is no quorum present.

Thirty-Fourth. Any two members shall have the right to call for the ayes and noes on any question.

Thirty-Fifth. No member shall absent himself from the Convention, unless he have leave, or be sick and unable to attend.

Thirty-Sixth. There shall be a committee of elections, whose duty it shall be to examine and report upon the credentials of the members returned to serve in this Convention.

Thirty-Seventh. No standing rule shall be rescinded or altered, without one days notice being given of the motion therefor.

Thirty-Eighth. The Secretary of the Convention shall attend during its sessions; shall make out and keep its journals; seasonably record all its proceedings; keep regular files of the papers; attest all process issued by the Convention, and execute the commands of the Convention.

Thirty-Ninth. The Secretary shall not suffer any records or papers to be taken out of his custody by any member or other person.

Fortieth. No standing rule or order of the Convention shall be suspended or dispensed with, without the concurrence of two-thirds of the members present.

Forty-First. The Convention may at any time resolve itself into a committee of the Whole, to consider the existing Constitution, and such propositions for the amendment or alteration thereof, as shall be referred to, or made in said committee.

Forty-Second. In forming the committee of the Whole, the President shall leave the Chair, and a chairman to preside in committee shall be appointed by the President.

Forty-Third. Every member addressing the Convention, shall confine himself strictly to the subject matter under debate.

Forty-Fourth. There shall be appointed a standing committee of five, whose duty it shall be to revise every article, or amendment of the Constitution, after it is adopted by the Convention, and report the same to the Convention on the next day, or as soon thereafter as practicable; and after being thus reported, it shall be read on two several days before it shall be finally acted on; and if amended after being thus reported, it shall again in like manner be referred to, and reported by the said committee, and again acted on by the Convention in the manner above provided.

Forty-Fifth. All select committees shall consist of three members, unless otherwise ordered.

Forty-Sixth. All committees shall be appointed by the President, unless otherwise ordered.

Forty-Seventh. All questions relating to the priority of debate, shall be acted on without debate.

Forty-Eighth. No member or other person shall be permitted to smoke within the hall or lobby at any time whatever.

Forty-Ninth. A committee of three members shall be appointed by the President, who shall scrutinize and pass upon all accounts, and keep in a book a correct statement thereof, and shall take the necessary steps to prevent the allowance of all improper and unjust claims; and no member shall be allowed pay for any day that he shall be absent from the session of the Convention, unless he shall be prevented from attending by sickness.

Fiftieth. In all cases not provided for in these rules, the Parliamentary practice contained in Jefferson's Manual, shall govern the Convention.

On motion of Mr. Hunter, the rules reported by the committee were adopted.

On motion of Mr. Morrow, it was

Resolved, That the President of the Convention be requested to cause one hundred copies of the Rules for the government of the Convention, to be printed in pamphlet form, for the use of the Convention.

On motion of Mr. Jones of Newton,

Resolved, That so much of the Constitution as relates to the South and West boundary lines of the State, be referred to a select committee of seven.

Under which resolution the President appointed, as the said committee, Messrs. Jones of Newton, James, Shields, Acock, Massey, Bunch and Neaves.

On motion of Mr. Polk,

Resolved, That the deliberations of this Convention be preceded every morning by prayer, and that for this purpose, the several clergymen in and about this city be requested to officiate in their professional capacity, and that a committee of three be appointed by the President in order to extend to them such request.

Mr. President appointed Messrs. Polk, Morrow and Young said committee.

On motion of Mr. McHenry,

Resolved, That the Reporters of the different newspapers be permitted to take their seats within the bar, and that tables be furnished them by the Doorkeeper.

Mr. Forshey offered the following resolution:

Resolved, That the President appoint a committee consisting of three members, whose duty it shall be to inquire into the propriety and practicability of employing a competent Reporter for this Convention.

Mr. Massey moved to amend the resolution by adding:

"And the terms upon which a Reporter can be engaged."

Which resolution and amendment were adopted.

Mr. President appointed as a committee under the above resolution, Messrs. Forshey, Polk and Leslie.

Mr. Massey introduced the following resolution:

Resolved, That it is the sense of this Convention that the Act of the General Assembly of Missouri, approved the 27th of February, 1847, providing for the call of a Convention, confers upon this Convention

authority, and is binding upon it as a whole, and in all its details.

Which resolution was,

On motion of Mr. Hunter, indefinitely postponed by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brown, Buford, Davis, Ewing, Farquhar, Forshey, Fulkerson, Green, Griffin, Horine, Hunt, Hunter, Jackson of Randolph, Jones of Franklin, Kincheloe, Leslie, Marmaduke, Mitchell, Morrow, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Simonds, Simpson, Slack, Tong, Ward, Wells, Wilcoxson, Woodson, and Mr. President—40.

NOES—Messrs. Acock, Alexander, Brooking, Bunch, Campbell, Finch, Foster, Gentry, Gibbony, Hickman, Jackson of Howard, James, Jones of Newton, Massey, McHenry, Neaves, Shields, Stewart, Thomas and Young—20.

Absent—Messrs. Hyatt and Stone.

Under the motion of Mr. Hunter, of yesterday, Mr. President announced the following gentlemen as a select committee to take into consideration the resolutions of Mr. Jones of Newton, and the substitute of Mr. McHenry, relating to standing committees, viz:

Messrs Hunter, Simpson, C. F. Jackson, Ewing, Hyatt, W. C. Jones, Hunt, McHenry, and Anderson.

On motion of Mr. Anderson,

The Convention adjourned until 9 o'clock to-morrow morning.

WEDNESDAY MORNING, NOVEMBER 19, 1845.

The Convention met pursuant to adjournment.

The committee to whom were referred the resolutions of Mr. Jones of Newton, and the substitute of Mr. McHenry, by their chairman, Mr. Hunter, made the following report, which was received, to wit:

MR. PRESIDENT:

The Select committee to whom were referred the resolutions of Mr. Jones of Newton, and the substitute of Mr. McHenry, have had the same under consideration, and have instructed me to report the following resolutions as a substitute for both, and recommend their adoption:

Resolved, That the members of the Convention be arranged into the following standing committees, to be appointed by the President:

1st. A committee on Boundaries, with instructions to report whether any alterations are required in the present Constitution in relation to the Boundaries of the State, and if so, what alterations are required.

2nd. A committee on Legislative Power, with instructions to report whether any alterations of the present Constitution are required in relation to the Legislative Department; and if so, what alterations are required.

3rd. A committee on Executive Power, with instructions to report whether any alterations are required in the present Constitution in relation to the Executive Department; and if so, what alterations are required.

4th. A committee on Judicial Power, with instructions to report whether any alterations of the present Constitution are required in relation to the Judicial Department; and if so, what alterations are required.

5th. A committee on Education, with instructions to report whether any alteration of the present Constitution is required in relation to the subject of education; and if so, what alteration is required.

6th. A committee on Internal Improvements, with instructions to report whether any alterations are required in the present Constitution in relation to Internal Improvements; and if so, what alterations are required.

7th. A committee on Banks and Corporations, with instructions to report whether any alterations of the present Constitution are required in relation to banks and corporations; and if so, what alterations are required.

8th. A committee on Militia, with instructions to report whether any alterations of the present Constitution are required in relation to the Militia; and if so, what alterations are required.

9th. A committee on the Permanent Seat of Government, with instructions to report whether any alterations of the present Constitution are required in relation to the permanent seat of government; and if so, what alterations are required.

10. A committee on the mode of amending the Constitution, with instructions to report whether any alterations of the present Constitution are required, relative to the mode of amending the Constitution; and if so, what alterations are required.

11th. A committee on the Declaration of Rights, with instructions to report whether that part of the present Constitution in relation to the declaration of rights, requires any alterations; and if so, what alterations are required.

Resolved, That each committee shall consist of nine members.

Resolved, That the Secretary, as soon as said committees are announced by the President, shall cause a list of the names of the members composing the several committees to be written out in a fair hand, and suspended in front of the Secretary's desk.

Resolved, That the Secretary shall furnish to the Chairman of each committee a list of the several members composing the committee of which he is chairman.

Messrs. James L. Jones, of the Fourth district, and Franklin Cannon, from the Eighteenth district, appeared, produced their credentials, were qualified and took their seats.

The committee appointed to request the services of the clergymen

in and about this city to open the deliberations of the Convention with prayer, made the following report, by Mr. Polk, their chairman, to wit:

MR. PRESIDENT:

The committee appointed to extend to the several clergymen in and about this city, the request that they would officiate in their professional capacity, for the purpose of opening the deliberations of the Convention with prayer, respectfully report that they have invited the resident clergymen in the city, as required by the resolution under which they were appointed, and have received from the gentlemen invited, assurances that the request so extended to them shall be promptly met to the best and utmost of their abilities.

Which report was received.

Mr. Finch offered the following resolution, which was adopted:

Resolved, That a select committee of five be appointed to superintend the job-printing of the Convention.

On motion of Mr. Hunter, the Convention adjourned until 10 o'clock to-morrow morning.

THURSDAY MORNING, Nov. 20.

The President announced the following standing committees:

1st. *On Boundaries*—Messrs. Anderson, Griffin, Nickel, Tong, Jones of Newton, Gibbony, Green, Woodson and Pitt.

2nd. *On Legislative Power*—Messrs. Cannon, Simpson, Acock, Hickman, Kincheloe, Simonds, Massey, Wells and Anderson.

3rd. *On Executive Power*—Messrs. Marmaduke, Hyatt, Coalter, McHenry, Bassett, Campbell, Ewing, Hunter and Jackson of Howard.

4th. *On Judicial Power*—Messrs. Hunt, Leslie, Jones of Franklin, Thomas, Campbell, Woodson, Polk, Forshey and Morrow.

5th. *On Education*—Messrs. Polk, Jackson of Randolph, Neaves, Hickman, Young, Horine, Applegate, Ward and Broadhead.

6th. *On Internal Improvements*—Messrs. Shields, Gentry, Foster, Buford, Acock, Simonds, Finch, James and Slack.

7th. *On Banks and Corporations*—Messrs. Jackson of Howard, Bevitt, Broadhead, Brooking, Pipkin, Alexander, Wright, James and Massey.

8th. *On Militia*—Messrs. Ward, Wilcoxson, Bunch, Mitchell, Pannell, Porter, Farquhar, Jones of Newton and Finch.

9th. *On the Permanent Seat of Government*—Messrs. Morrow, Thomas, Jones of Scotland, Fulkerson, Young, Davis, Leslie, Bassett and Simpson.

10th. *On the Mode of Amending the Constitution*—Messrs. Wells, Stewart, Forshey, Branstetter, Brown, Wright, Stone, Applegate and Pitt.

11th. *On the Declaration of Rights*—Messrs. Hunter, Ewing, Green,

Slack, Stone, Horine, Kincheloe, Jones of Franklin, and Coalter.

Under the resolution of Mr. Finch, of yesterday,

The President announced the following select committee on Job Printing, to wit:

Messrs. Finch, Campbell, Morrow, Coalter and Hunter.

The select committee on the South and West boundary lines of this State, by Mr. Jones of Newton, their chairman, made a report, which was received, and recommended the adoption of the following proposition, to come in as a second section to the first article of the Constitution, to wit:

Sec. 2. That the boundaries of the State be altered and extended from the south-west corner of the State, due west to the present south boundary line of the State, along the parallel of thirty-six degrees thirty minutes north latitude, to the middle of the main channel of the Neosho or Grand river of the Arkansas; thence up the middle of the main channel of said stream, to the point of junction of the Neosho with Spring river, (sometimes called Pomme de Terre) and Lost creek; thence up the middle of the main channel of Spring river, to the point where the meridian line which passes through the middle of the mouth of the Kansas river first strikes Spring river, below the mouth of the North Fork, and above the mouth of Cow creek, so as to include all that tract of land which is situated between the limits described aforesaid, and the present west boundary line of the State: *Provided*, That this section shall not take effect and be in force until the Congress of the United States shall assent to the provisions of the same, and the Indian title shall be extinguished to the territory included within the limits aforesaid.

Which was, by common consent, read and ordered to a second reading.

Mr. Massey introduced the following resolution:

Resolved by the Convention, That the following be adopted as an additional rule, to be numbered fifty-first:

All propositions submitted to this Convention to amend the Constitution, shall be read on three several days, (unless two-thirds of the members voting shall determine to dispense with this rule,) before it be referred to the Revising committee.

Which resolution was, on motion of Mr. Massey, referred to the committee on Rules.

Mr. Ward offered the following resolution:

Resolved by the Convention: That it shall be the duty of the chief secretary and his assistant, to furnish to the Public Printer, every day during the session of the Convention, a copy of the Journal for the day preceding, till the whole Journal shall be thus copied and delivered.

Mr. Jones of Newton; moved to amend the resolution by adding:

“And that he shall receive for his compensation the sum of ten cents for every hundred words, to be audited and paid as other demands under the 17th section of the act to provide for the publication and distribution of the Laws and Journals, approved March 25th, 1845.”

Mr. Massey moved to refer the resolution and amendment to the committee on Job Printing; which was rejected.

Mr. Shields moved to reject the amendment; which was agreed to.

Mr. Wells moved to amend the resolution by striking out all after the word "resolved," and insert:

That the secretary and assistant furnish each day during the session, a copy of the Journal of that day, for publication.

Mr. Jones moved to refer the resolution and amendment of Mr. Wells to a select committee; which motion was rejected.

Mr. McHenry moved to refer the resolution and amendment to the committee on Job Printing; which was rejected.

The resolution, as amended, was then adopted.

Mr. Pipkin offered the following resolution:

Resolved, That a committee on Elections, consisting of nine, be appointed by the President, in accordance with the thirty-sixth rule of the Convention.

Mr. Jones of Newton, moved to strike out all after the word "Resolved," and insert:

That there shall be a committee of Elections appointed by the Convention, consisting of nine members, whose duty it shall be to report upon the credentials and qualifications of the members.

Mr. Hunter moved to amend the amendment by striking out the words "and qualifications;" which motion was adopted;

And the question being on the amendment as amended, the same was rejected.

The question recurring on Mr. Pipkin's resolution, the same was agreed to.

Mr. James offered the following resolutions, which were adopted:

Resolved, That the Superintendent of Common Schools be requested to report to this Convention:

1st. What amount of money has been received from the Bank of Missouri for each year, by way of dividends, as interest upon the Common School money belonging to this State.

2nd. What amount of money has been received from the Bank of Missouri for each year, by way of dividends, as interest upon the Seminary fund of this State.

3rd. State the amount of interest which the Common School and Seminary funds would have received, provided the money had been loaned at eight and ten per cent. per annum.

On motion of Mr. Young,

Mr. Ward's resolution of Monday last, providing for the election of a Vice President of the Convention, was taken up.

Nominations being in order,

Mr. Jones of Newton, nominated Robert E. Acock.

Mr. Branstetter nominated Thompson Ward.

Mr. Thomas nominated Claiborne F. Jackson.

The roll being called, the vote stood as follows:

For Mr. Acock—Messrs. Anderson, Broadhead, Bunch, Campbell, Ewing, Farquhar, Finch, Forshey, Gentry, Gibbony, Horine, Hunter, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Massey, McHenry, Neaves, Pannell, Porter, Shields, Simonds, Stone, Tong and Wells—26.

For Mr. Ward—Messrs. Bassett, Branstetter, Brown, Foster, Jones of Scotland, Nickel, Pitt, Stewart, Wilcoxson, Woodson and Young—11.

For Mr. Jackson—Messrs. Acock, Alexander, Applegate, Bevitt, Brooking, Buford, Cannon, Davis, Fulkerson, Green, Griffin, Hickman, Hunt, Hyatt, Jackson of Randolph, Kincheloe, Leslie, Marmaduke, Morrow, Pipkin, Polk, Simpson, Slack, Thomas, Ward and Mr. President—26.

Absent, Mr. Mitchell.

Neither nominee having received a majority of all the votes given, the Convention proceeded to a second ballot—Mr. Ward being withdrawn—when there appeared,

For Mr. Acock—Messrs. Anderson, Bassett, Broadhead, Bunch, Campbell, Ewing, Farquhar, Finch, Forshey, Gentry, Gibbon, Horine, Hunter, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Massey, McHenry, Neaves, Pannell Pitt, Porter, Shields, Simonds, Stewart, Stone, Tong, Wells and Young—30.

For Mr. Jackson—Messrs. Acock, Alexander, Applegate, Bevitt, Branstetter, Brooking, Brown, Buford, Cannon, Davis, Foster, Fulkerson, Green, Griffin, Hickman, Hunt, Hyatt, Jackson of Randolph, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Morrow, Nickel, Pipkin, Polk, Simpson, Slack, Thomas, Ward, Wilcoxson, Woodson and Mr. President—33.

Absent, Mr. Mitchell.

Mr. Jackson having received a majority of all the votes given, was declared duly elected.

Mr. Jones of Franklin moved that Mr. Jones of Newton be added to the committee on Judicial Power, which was agreed to.

Mr. Anderson offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the policy of striking out the 13th section of the 5th article of the Constitution, and inserting in lieu thereof a clause limiting the judicial tenure, and requiring the judges, both of the Supreme and Circuit Courts, to be elected by the people;

And that they also enquire into the expediency of making the judges ineligible to any office of honor, profit or trust, during the term for which they may be elected.

On motion of Mr. Jones of Newton, the ayes and noes were ordered.

On motion of Mr. Broadhead, the Convention adjourned till 2 o'clock.

EVENING SESSION.

The Convention met pursuant to adjournment.

Mr. Hunter moved to lay Mr. Anderson's resolution on the table; which motion being withdrawn, was renewed by Mr. Polk, and was rejected by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Brooking, Campbell, Davis, Forshey, Foster, Fulkerson, Gibbony, Griffin, Hickman, Horine, Hunter, Hyatt, Jackson of Howard, Leslie, Marmaduke, Massey, Morrow, Pannell, Pipkin, Polk, Shields, Simpson, Stone, Thomas, Ward and Mr. President—29.

NOES—Messrs. Anderson, Bassett, Bevitt, Branstetter, Broadhead, Buford, Bunch, Ewing, Farquhar, Finch, Gentry, Green, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, McHenry, Neaves, Nickel, Porter, Simonds, Slack, Tong, Wells, Wilcoxson, Woodson and Young—30.

Absent, Messrs. Brown, Cannon and Stewart.

Sick, Messrs. Mitchell and Pitt.

The question recurring on the resolution, it was adopted by ayes and noes, as follows:

AYES—Messrs. Anderson, Bassett, Bevitt, Broadhead, Brown, Bunch, Davis, Ewing, Farquhar, Finch, Fulkerson, Gentry, Green, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, McHenry, Neaves, Nickel, Pannell, Porter, Simonds, Slack, Tong, Wells, Wilcoxson, Woodson and Young—32.

NOES—Messrs. Acock, Alexander, Applegate, Branstetter, Brooking, Buford, Campbell, Forshey, Foster, Gibbony, Griffin, Hickman, Horine, Hunter, Hyatt, Jackson of Howard, Leslie, Marmaduke, Massey, Morrow, Pipkin, Polk, Shields, Simpson, Stone, Thomas, Ward and Mr. President—28.

Absent, Messrs. Cannon and Stewart.

Sick, Messrs. Mitchell and Pitt.

On motion of Mr. Shields, Mr. Marmaduke's motion of Monday last was taken up; whereupon,

On motion of Mr. Wells, it was

Resolved, That it is inexpedient for this Convention to elect a Sergeant-at-Arms, at this time.

On motion of Mr. Anderson, the Convention adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, NOVEMBER 21.

The Convention met pursuant to adjournment.

The President announced the following Standing Committees:

On Revision—Messrs. Campbell, Green, Coalter, Hunt and Bevitt.

On Accounts—Messrs. Acock, Shields, and Foster.

On Elections—Messrs. Pipkin, Massey, Alexander, Branstetter, Griffin, McHenry, Gentry, Hyatt, and Stewart.

The committee on Rules, by Mr. Young, their chairman, made the following report:

The committee on Rules have authorized me to report the following additional rule for the government of the Convention, in lieu of the rule referred to therein:

When a proposition is made to amend the Constitution, it shall be read the first time for information, and if no objection be made thereto, it shall be ordered to a second reading, as a matter of course; but if objected to on the first reading, the only question shall be, "shall the proposition be rejected?" If not rejected, it shall go to a second reading, as a matter of course, and the second reading shall be on a subsequent day. After the second reading, it may be referred, amended, or otherwise disposed of, as a bill on its second reading; and before it is ordered to a third reading, it shall be engrossed, and upon the third reading the question shall be, "Shall the amendment be adopted?"—and if adopted, it shall go without a question to the Revising committee.

Which report was agreed to.

Mr. Jones introduced the following resolution:

Resolved, That the committee on Banks and Corporations be instructed to report the following amendments to the Constitution, in lieu of the eighth article:

ARTICLE VIII.

SEC. 1. The General Assembly shall have no power to create any banking company in this State, nor to renew or extend the privileges of the present Bank of the State of Missouri.

SEC. 2. The General Assembly shall have no power to create any corporation, unless upon the condition that the stockholders of such corporation are rendered personally liable in their individual and private capacity and property for the amount of the stock invested and the debts of the corporation.

SEC. 3. All contracts of whatsoever nature, the consideration of which is Bank notes, or any paper which may be issued by or under

authority of any State or country, purporting to be a circulating medium, shall be null and void, and the General Assembly shall have no power to pass any law enforcing such contracts.

SEC. 4. Lotteries, and all devices in the nature of lotteries, are prohibited.

Mr. James moved to amend the third section by adding,

That the Legislature shall never possess the power to enforce the collections of any debts contracted by the Bank of Missouri or branches, for money loaned by them after the ratification of this Constitution.

Mr. Hunter moved to lay the resolution and amendment on the table, Which was decided, by ayes and noes, as follows :

AYES --Messrs. Acock, Alexander, Anderson, Applegate, Bassett, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Cannon Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gentry, Gibbony, Griffin, Hickman, Horine, Hunt, Hunter, Hyatt, Leslie, Marmaduke, Mitchell, Morrow, Neaves, Pannell, Pipkin, Pitt, Polk, Shields, Simpson, Simonds, Slack, Stewart, Stone, Thomas, Ward, Wells, Woodson, Young, and Mr. President—48.

NOES—Messrs. Bevitt, Finch, Green, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Nickel, Porter, and Wilcoxson—15.

Sick—Mr. Tong.

So the resolution and amendment were laid on the table.

Mr. Ward offered the following resolution, which was agreed to :

Resolved, That all the State and United States officers are considered as invited to take seats within the bar.

The President announced a communication from Falkland H. Martin, Esq., relative to the presentation of a flag to the Convention by the Ladies of this city ;

Which communication was received, and is as follows :

CITY OF JEFFERSON, Nov. 21st, 1845.

THE PRESIDENT OF THE CONVENTION :

SIR—The ladies of the City of Jefferson have deputed me as their delegate to present, in their name, to the Convention, an American Flag, which they have prepared with their own hands, influenced by the hope that it would be accepted and be permitted to wave over the deliberations of the assembly over which you preside. It is deposited in the office of Secretary of State, subject to the order of the Convention.

The banner now offered to your acceptance, Sir, is one which is dear to the cause of human liberty,—it is a flag, which, unfurled by the hands of freemen, has waved in triumph over the banded legions of tyranny, and beneath which the lion of England has often crouched for quarter,

—it is the flag of the “Stars and Stripes,” and is happily emblematic of our beloved country.

Your assembling here as the acknowledged representatives of the people, in the midst of profound peace, to accomplish that by a bloodless revolution, which, in the days when the Flag of our Union was first unfurled, had to be wrung by the strong arm of the people, from the grasp of tyranny, is a glorious commentary upon the institutions of our country, and a proud evidence of the wisdom that planned and the valor that reared the fabric of Constitutional Government.

The ladies express the hope that your deliberations may be conducted in the spirit of harmony, and that, remembering the motto, “*E Pluribus Unum*,” the instrument which you will give to the people of Missouri, will tend as much to cement the bonds that bind us to our sister States, as to the happiness and prosperity of our own fellow citizens.

I have the honor to be, dear sir,

Very respectfully,

Your obedient servant,

FALKLAND H. MARTIN.

On motion of Mr. Polk, it was

Resolved, That the ladies, accompanied by Mr. Martin, be invited within the bar, to receive the thanks of the Convention, through the President, for the handsome present offered by them to the Convention.

On motion of Mr. Hunter, it was

Resolved, That the Doorkeeper of the Convention be required to cause the flag which has just been presented to the Convention, to be hoisted on the north end of the Capitol while the Convention is in session, and lowered when the Convention is not in session.

On motion of Mr. Jones of Newton,

His proposition to amend the first article of the Constitution, was taken up and read a second time.

On motion of Mr. Jackson of Howard,

The proposition and the report accompanying it, were referred to the committee on Boundaries.

On motion of Mr. Jackson of Howard,

The Convention adjourned until 9 o'clock, to-morrow morning.

SATURDAY MORNING, NOVEMBER 22.

Mr. John D. Coalter, a member from the First District, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Jones of Franklin, it was

Resolved, That the Librarian of the State be requested to furnish books to the members of this Convention, during its session, under the same rules and regulations as heretofore furnished to members of the Legislature.

On motion of Mr. Morrow, the following resolutions were adopted, to wit:

Resolved, That the Auditor of Public Accounts be requested to inform the Convention:

1st. Of the time of the creation of the first item of the present debt of the State.

2d. What sums have been borrowed by the Legislature since? at what time? and at what rates of interest?

3d. The present amount of the State debt, and what portion of the same is for Bank stock? and for what purposes the remainder of such debt was contracted?

4th. What amount of such debt has been extinguished? and from what sources the funds have been derived which have been applied to such extinguishment.

On motion of Mr. Thomas,

Resolved, That members of the old State Convention be included in the invitation to seats within the bar.

On motion of Mr. Marmaduke, it was

Resolved, That when this Convention shall adjourn, it shall stand adjourned till nine o'clock in the morning of the next day, until otherwise ordered by the Convention.

Mr. Finch introduced the following resolutions:

Resolved, That the Secretary and his Assistant, be directed to hand over to the Public Printer the copy of the Journal made out by him under the resolution of the Convention requiring him to make out the Journals of each days' proceedings.

Resolved, That the Public Printer furnish the Convention with ——— copies of the Journals of each day, on the morning of the day after the copy is furnished by the Secretary, and ——— of the Journals of the Convention be furnished for the people of the State.

Mr. Jones of Newton, moved to refer the resolutions to a select committee; which motion was rejected.

Mr. Shields moved to lay the resolutions on the table; which motion was also rejected.

Mr. Hunter offered the following resolution, which was rejected, to wit:

Resolved, That the resolutions be referred to the committee on Printing, with instructions to report suitable resolutions to regulate and provide for all the printing required by this Convention.

Mr. Green offered the following amendments to Mr. Finch's resolutions, as a substitute for the second resolution, to wit:

Resolved, That the Public Printer be required to print ——— copies of the Journals of the Convention at the prices fixed by the 19th and 20th sections of the act creating the office of Public Printer; and that ——— copies thereof be furnished to members of the Convention on each morning, and the residue be bound in paper covers for distribution.

Resolved, That ——— superintend the said printing.

Which amendments were accepted by Mr. Finch.

Mr. Wells offered the following amendment, which was rejected, to wit:

Resolved, That the resolutions be referred to the committee on Printing, with instructions to report suitable resolutions to regulate and provide for all the printing required by this Convention.

Mr. Jackson of Howard, moved to strike out all after the word "Resolved," in the second resolution, and insert the following:

That the Public Printer be required to print ——— copies of the Journals of the Convention, at the prices fixed by the 19th and 20th sections of the act creating the office of Public Printer, for the use of the State.

Resolved, That ——— be appointed to superintend said printing.

Which amendments were agreed to.

Mr. Jones of Newton, moved to fill the first blank with "one thousand."

Mr. Campbell moved to fill the first blank with "three thousand."

The question being on the motion to fill the blank with "three thousand," was decided in the affirmative.

Mr. Massey moved to fill the second blank with the "standing committee on Printing;" which motion was agreed to.

The question recurring on the adoption of the resolutions as amended, was decided in the affirmative.

Mr. Kincheloe submitted the following preamble and resolutions, which were adopted, to wit:

WHEREAS, An Allwise Providence, whose decrees it is not our province to question, has, in an unexpected hour, summoned our fellow-citizen, Dr. WALLER HEAD, from his place amongst us, and transferred him to the responsibilities of a higher and better station, We, the members of this Convention, as a small testimonial of the respect in which we held him while living, and our sorrow for the stroke which has deprived us of his counsel, and also of our unfeigned sympathy with his bereaved family, do

Resolve. That the members of this Convention, in token of their respect for the memory of our deceased fellow-citizen, Dr. WALLER HEAD, a member elect to this body, will wear the usual badge of mourning.

Resolved, further, That the Secretary cause a copy of this proceeding to be presented to his widow and family, with the assurance of our sincere condolence and sympathy.

On motion of Mr. Polk,

The Convention adjourned until 9 o'clock on Monday morning.

MONDAY MORNING, NOVEMBER 24.

The Convention met pursuant to adjournment.

Mr. President announced the following communication from the Superintendent, on the subject of the Common School and Seminary Funds; which was received, to wit:

OFFICE OF SUPERINTENDENT OF COMMON SCHOOLS,
City of Jefferson, November 24, 1845. }

To the President of the Convention:

SIR,—

In accordance with the request of the Convention of the 20th inst., calling upon the Superintendent of Common Schools for information with regard to the amount of money which has been received each year from the Bank of the State of Missouri, by way of dividends, as interest upon Common School money belonging to the State; and also the amount received each year, by way of dividends, as interest upon the Seminary Fund of this State; a request also, that the amount be given of interest which the Common School and Seminary Funds would each have received, with interest at the different rates of eight and ten per cent. per annum; the undersigned respectfully submits, that he has been unable, wholly, to comply with all the resolutions adopted by the Convention, from the record in the office of Superintendent. The Auditor and Treasurer have both promptly responded to calls made upon them for such information as was not to be obtained in this Department.

In the calculations of interest which have been made, upon the investments of various dates, of moneys belonging to both the Common School and Seminary Fund, no regard has been paid to fractions of months, but is presumed they will be sufficiently accurate for all practical purposes. Interest has been computed from the date of investment up to the 1st of July, 1845, it being the date of the last dividend.

THE COMMON SCHOOL FUND,

Amounts to the sum of five hundred and seventy-five thousand, six hundred and sixty-seven dollars and ninety-six cents, as is shown by the following exhibit of investments in Bank, of State School Fund, to wit:

No. 1, July 19, 1839, for	\$515,518 83
No. 2, Feb'y 22, 1840,	24,474 97
No. 3, Sept. 18, 1840,	18,139 11
No. 4, March 15, 1842,	17,535 05
	\$575,667 96

THE SEMINARY FUND,

Amounts to the sum of one hundred thousand dollars, as will be seen by reference to the following exhibit of investments of this Fund in the Bank:

No. 1, July 19, 1839,	\$91,711 36
No. 2, Feb'y 22, 1840,	3,209 89
No. 3, Sept. 8, 1840,	2,847 64
No. 4, Feb'y 4, 1842,	2,231 11
	\$100,000 00

On these two funds dividends of various dates and amounts have been declared, as is fully set forth in the following table of dividends on State School money and Seminary Fund.

STATE SCHOOL MONEY.

Dividend No. 1, declared January, 1840,	\$18,043 15
“ No. 2, “ July, 1840,	16,193 80
“ No. 3, “ January, 1842,	19,534 65
“ No. 4, “ January, 1843,	17,270 03
“ No. 5, “ July, 1845,	17,270 04

Making an aggregate amount of \$90,317 67

And being an average for each year of \$15,052 94 1-2.

SEMINARY FUND.

Dividend No. 1, declared 1st January, 1840	\$3,209 89
“ No. 2, “ 1st July, 1840,	2,847 64
“ No. 3, “ 1st January, 1842,	3,421 91
“ No. 4, “ 1st January, 1843,	3,000 00
“ No. 5, “ 1st July, 1845,	3,000 00

Total, \$15,479 44

Making an average for each year of \$2,579 90 3-4.

At eight per cent. interest, from the date of the different investments to the 1st of July, 1845, the aggregate amount of interest which would have accrued on the State School Money would have been \$269,991 85.

Making an average dividend for each year of \$44,998 64.

At ten per cent. the aggregate amount of interest on State School Moneys would have been \$336,667 78.

Making an average dividend for each year of \$56,111 29.

The Seminary Fund at eight per cent. interest from the dates of the different investments to the 1st of July, 1845, would have amounted to the sum of \$47,226 90.

Making an average dividend for each year of \$7,871 15.

At ten per cent. the aggregate amount of interest on Seminary Fund would have been \$58,942 60.

Making an average dividend of \$9,823 76.

It may be proper to remark that of the dividends declared by said Bank on State School Moneys, the sum of seventeen thousand five hundred and thirty-one dollars and fifty-five cents, has been reinvested, and now forms a part of the principal of said fund.

All of which is respectfully submitted.

FALKLAND H. MARTIN,

Superintendent of Common Schools.

Mr. Massey moved that the communication be referred to the committee on Education, and that two thousand copies thereof be printed by the Public Printer for the use of the members.

Mr. Wells called for a division of the question.

The question being on the reference to the committee on Education, was decided in the affirmative.

The question now being on the motion to print two thousand copies, was also decided in the affirmative.

The committee on Executive Power, by Mr. Marmaduke, their chairman, submitted a report, which was received, recommending the adoption of the following proposition, amendatory of the fourth article of the present Constitution, viz :

ARTICLE IV.

Of the Executive Power.

Sec. 1. The Supreme Executive Power shall be vested in a Chief Magistrate, who shall be styled "the Governor of the State of Missouri."

Sec. 2. The Governor shall be at least thirty-five years of age, and a natural born citizen of the United States, and a citizen of the State of Missouri at least five years next preceding his election.

Sec. 3. The Governor shall hold his office for four years, and until a successor be duly appointed and qualified. He shall be elected in the manner following : At the time and place of voting for members of the House of Representatives, the qualified electors shall vote for a Governor, and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both houses of the General Assembly, at their next session.

Sec. 4. The Governor shall be ineligible for the next four years after the expiration of his term of service.

Sec. 5. The Governor shall be commander-in-chief of the militia and navy of this State, except when they shall be called into the service of the United States ; but he need not command in person, unless advised so to do by a resolution of the General Assembly.

Sec. 6. The Governor shall have power to remit fines and forfeitures, and grant reprieves and pardons, with the advice and consent of the judges of the Supreme Court, or a majority of them acting ex-officio.

Sec. 7. The Governor shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions, he may convene the General Assembly by proclamation, and shall state to them the purposes for which they are convened.

Sec. 8. The Governor shall take care that the laws be distributed and faithfully executed, and he shall be a conservator of the peace throughout the State.

Sec. 9. When any office, except that of sheriff or coroner, shall be

come vacant, the Governor shall appoint a person to fill such vacancy, who shall continue in office until a successor be duly appointed and qualified according to law.

Sec. 10. Every bill which shall have been passed by both houses of the General Assembly, shall, before it becomes a law, be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated, and the house shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall be in like manner reconsidered, and if approved by a majority of all the members elected to that house, it shall become a law. In all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if the Governor had signed it, unless the General Assembly, by its adjournment, shall prevent its return, in which case it shall not become a law.

Sec. 11. Every resolution in which the concurrence of the Senate and House of Representatives may be necessary, except in cases of adjournment, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

Sec. 12. There shall be an Auditor of Public Accounts, whom the Governor, by and with the advice and consent of the Senate, shall appoint. He shall continue in office four years, and shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government.

Sec. 13. The Governor shall, at stated times, receive for his services an adequate salary, to be fixed by law, which shall neither be increased nor diminished during his continuance in office.

Sec. 14. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications as the Governor. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor.

Sec. 15. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole he may debate on all questions; and when there is an equal division, he shall give the casting vote in the Senate, and also in joint vote of both houses.

Sec. 16. When the office of Governor shall become vacant, by death, resignation, absence from the State, removal from office, refusal to qualify, impeachment, or otherwise, the Lieutenant Governor, or in case of like disability on his part, the President of the Senate *pro tempore*, or if there be no President of the Senate *pro tempore*, the Speaker of the House of Representatives, shall possess all the powers and discharge all the duties of Governor, and shall receive for his ser-

vices the like compensation, until such vacancy be filled, or the Governor so absent or impeached shall return or be acquitted.

Sec. 17. Whenever the office of Governor shall become vacant, by death, resignation, removal from office, or otherwise, the Lieutenant Governor, or other person exercising the powers of Governor for the time being, shall, as soon as may be, cause an election to be held to fill such vacancy, giving three months previous notice thereof; and the person elected shall not thereby be rendered ineligible to the office of Governor for the next succeeding term. Nevertheless, if such vacancy shall happen within eighteen months of the end of the term for which the late Governor shall have been elected, the same shall not be filled.

Sec. 18. The Lieutenant Governor, or President of the Senate *pro tempore*, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

Sec. 19. The returns of all elections of Governor and Lieutenant Governor, shall be made to the Secretary of State, in such manner as may be prescribed by law.

Sec. 20. Contested elections of Governor and Lieutenant Governor, shall be decided by a joint vote of both houses of the General Assembly, in such manner as shall be prescribed by law.

Sec. 21. There shall be a Secretary of State, whom the Governor, by and with the advice and consent of the Senate, shall appoint. He shall hold his office for four years, unless sooner removed on impeachment. He shall keep a register of all the official acts and proceedings of the Governor, and when necessary shall attest them; and he shall lay the same, together with all papers relative thereto, before either house of the General Assembly, whenever required so to do, and shall perform such other duties as may be enjoined on him by law.

Sec. 22. The Secretary of State shall keep the seal of State, with such emblems and devices as are directed by law, which shall not be subject to change. It shall be called the "Great Seal of the State of Missouri;" and all official acts of the Governor, his approbation of the laws excepted, shall be thereby authenticated.

Sec. 23. There shall be elected in each county, by the qualified electors, at the time and place of electing representatives, a sheriff and a coroner; they shall serve for two years, and until a successor be duly appointed and qualified, unless sooner removed for misdemeanors in office, and shall be ineligible four years in every period of eight years. The sheriff and coroner shall each give security for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and coroner therein, who shall each continue in office until the next succeeding general election, and until a successor shall be duly qualified.

Sec. 24. When vacancies happen in the office of sheriff or coroner, they shall be filled by appointment made by the judges of the tribunal transacting county business, or a majority of them; and the person so appointed shall continue in office until his successor is duly qualified, and shall not thereby be rendered ineligible for the next succeeding term.

Sec. 25. In all elections of sheriff and coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the circuit courts of the counties respectively, shall give the casting vote; and all contested elections for the said offices shall be decided by the circuit courts respectively, in such manner as the General Assembly may by law prescribe.

The proposition having been read a first time, was ordered to a second reading.

Mr. Marmaduke offered the following resolution, which was rejected:

Resolved, That ——— copies of this report, and Article 4, as amended by the committee on Executive Power, be ordered to be printed for the use of the members of the Convention.

The committee on Militia, by Mr. Ward, their chairman, submitted a report, recommending the adoption of the following proposition, to stand in lieu of the ninth article of the present Constitution, to wit:

ARTICLE IX.

Sec. 1. Field officers, company officers, brigadiers general, and majors general, shall be elected by the persons subject to military duty within their respective commands.

Sec. 2. General and field officers shall appoint their officers of the staff.

Sec. 3. The Governor shall appoint an adjutant general, and all other militia officers whose appointments are not otherwise provided for in this Constitution.

The report was received; and

The proposition was read a first time, and ordered to a second reading.

Mr. President offered the following resolution:

Resolved, That the senators and representatives in the General Assembly ought to be elected by districts formed by the addition of Congressional townships; and, in cities, by wards or the addition of squares, irrespective of county lines; and that said districts ought to be composed of townships; and in cities, of wards or squares adjoining, and as near a square as may be, and ought to contain as near the same number of qualified electors as can be had by such addition of townships, wards, and squares; and that every district ought to elect one representative, and every three districts ought to elect one senator.

Which resolution was,

On motion of Mr. Massey, referred to the committee on Legislative power.

Mr. McHenry introduced the following resolution:

Resolved, That the committee on Legislative Power be instructed to inquire into the propriety of adopting an amendment to the present Constitution, so as to give to each county in this State containing a population of less than five thousand free white male inhabitants, one representative in the State Legislature; and to each county containing a population of five thousand free white male inhabitants, two representatives; and one additional representative for every additional five

thousand free white male inhabitants that each county may contain.

Mr. Thomas moved to lay the resolution on the table; which motion was rejected.

The resolution was then adopted.

Mr. Griffin offered the following resolution, which was, on his motion, referred to the committee on Legislative power, to wit:

Resolved, That the General Assembly shall pass no law, requiring, directly or indirectly, a license for the sale of iron or salt.

Mr. President introduced the following propositions, amendatory of the present Constitution, to wit:

1st. In article 3, section 4, strike out the words, "free white male inhabitants," and insert in lieu thereof the words "qualified electors."

2nd. Add to article 3, section 10, "and provided further, that no person shall be entitled to vote, except in the county in which he shall actually reside at the time of the election."

3d. Add to article 3, section 26, after the 2d paragraph,

"*Third*, Nor shall it have power to grant any divorce."

4th. "*Fourth*, Nor shall it have power hereafter to create debts, the aggregate of which shall exceed the sum of _____ dollars, except in case of war, rebellion or insurrection."

5th. "*Fifth*. Nor shall it have power, hereafter, to create, renew or extend any corporate body with banking or discounting privileges."

6th. "*Sixth*. Nor shall it have power to issue Treasury warrants, Treasury notes, or paper of any description intended to circulate as money."

7th. Add to article 3, section 32,

"And that such officer, being a citizen of the State of Missouri, has not since the adoption of this Constitution, been engaged, either as principal or second, in a duel with deadly weapons."

8th. Strike out the 6th section of article 4, and insert,

"In all criminal cases, except those of impeachment, the Governor shall have power, after conviction, by and with the advice and consent of the Supreme Court, to grant reprieves and pardons, and remit fines and forfeitures; and when the Supreme Court is not in session, he shall have power to respite sentences and stay proceedings in cases of fines and forfeitures, until the end of the next session of the Supreme Court."

9th. Article 6, section 1; strike out the words,

"Where the poor shall be taught gratis."

10th. Add to article 6, as section 3,

"In all public schools in this State, the white children of all persons in the respective townships or school districts, shall be on terms of equality, and there shall be no distinction which will favor or prejudice any religious denomination."

11th. Add as section 4,

"There shall be appropriated to Education in this State;

"*First*, All lands and the rents and proceeds thereof, and the proceeds of the sales of all lands heretofore granted by the United States to this State for the support of schools."

12th. "*Second*, The estates of all persons who have heretofore died without will or heirs, and whose estates have not been appropriated, and the estates of all persons who may hereafter die without will or heirs."

13th. *Third*, All fines which may be imposed for breaches of the penal laws of this State, and the proceeds of all judgments on forfeited recognizances."

14th. *Fourth*. The principal and interest arising from the sales of the salt springs and lands adjoining the same, granted by compact to this State by the United States."

15th. *Fifth*, The proceeds of the sales of the 500,000 acres of land granted by the United States to this State, by act of Congress of the 4th of September, 1841."

16th. *Sixth*, The three per cent. of the net proceeds of the sales of the lands of the United States within this State, granted by compact to this State by the United States; *Provided*, That the Congress of the United States assents to the disposition of said 500,000 acres of land, and said three per cent. fund, as herein provided."

17th. *Seventh*, All the money, and the interest on all the money received by this State from the United States, under and by virtue of the provisions of an act of Congress, approved June 23, 1836, entitled "an act to regulate the deposits of the public money;" *Provided*, That if said money be called for by the United States, it shall be paid over accordingly."

18th. Strike out the whole of article 8, and insert in article 10, as additional sections to article 10, the following:

19th. *3rd section*. "All individuals are hereby prohibited from issuing bills, checks, promissory notes, or other paper, to circulate as money."

20th. *4th section*. "No payment or loan of Bank paper, or Bank notes, or paper currency of any kind, shall be valid, either in law or equity, or be enforced, unless such payment or loan be made during the existence in this State of a Bank authorized by law to issue such currency or paper money."

21st. *5th section*. "No act of incorporation, except municipal corporations, shall be valid unless it contains a provision that the same may be amended or repealed by the Legislature at any time."

22nd. *6th section*. "No lottery shall be authorized by this State; and the buying and selling of lottery tickets within this State is prohibited."

23rd. *7th section*. "No person who, being a citizen of this State, shall hereafter be engaged in a duel with deadly weapons, either as principal or second, shall hold any office of honor, trust, or profit, under the laws of this State."

24th. *Article 13, section 9*. Strike out the words "Of the vicinage."

25th. *Article 13, section 14*. Add, "Or before justices of the peace for misdemeanors."

Which propositions were read a first time, and ordered to a second reading.

Mr. Jones of Newton, offered the following resolution, which was adopted:

Resolved, That a select committee, consisting of nine members, be appointed by the President, whose duty it shall be to consider and report such miscellaneous provisions of the Constitution as are not properly before any other committee; and shall also report such ordinances as may be necessary to adapt the new Constitution to all proceedings originating under our present Constitution and laws, so as to carry the same into effect

without inconvenience ; and also to consider and report upon such other subjects as may be specially referred thereto.

Mr. Jones of Franklin, introduced the following resolution :

Resolved, That the freemen of this State are competent, and have the political right, and should be entitled to elect all officers to be established by the new Constitution and by the laws of this State ; and that the different committees, charged with the subject matter herein embraced, be instructed to report accordingly.

Mr. Wilcoxson moved to adjourn till 2 o'clock ;

Which motion was rejected.

Mr. Green called for a division of the question into three parts.

Mr. Marmaduke moved to lay the resolution on the table ;

Which motion was decided in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Applegate, Branstetter, Broadhead, Brook-
ing, Brown, Buford, Campbell, Coalter, Davis, Ewing, Forshey, Foster,
Gentry, Hickman, Horine, Hunter, Hyatt, Leslie, Marmaduke, Pannell,
Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Stewart, Stone, Thomas,
Ward, Wells, Woodson, Young, and Mr. President—35.

NOES—Messrs. Acock, Anderson, Bassett, Bevitt, Bunch, Cannon,
Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Hunt, Jackson of
Howard, Jackson of Randolph, James, Jones of Franklin, Jones of New-
ton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow,
Neaves, Nickel, Porter, Slack, Tong, and Wilcoxson—30.

Mr. Stone offered the following resolution, which was agreed to, to wit :

Resolved, That the committee on Education be instructed to inquire into and report to this Convention, upon the expediency and propriety of incorporating into the new Constitution the following provisions :

1st. The State of Missouri shall hereafter be responsible to the Seminary and Common School Funds for the amount of said funds which are now invested in the stock of the Bank of the State of Missouri.

2nd. The State of Missouri shall be responsible for the annual payment of interest on said funds at the rate of ——— per cent ; and the Legislature shall, at its first session after the adoption of the new Constitution, and as often thereafter as shall become necessary, make suitable provision by law for the annual payment of said interest, which shall be appropriated for the promotion and furtherance of the objects for which said funds were created, in such manner as may be provided by law.

On motion of Mr. Ewing, it was

Resolved, That the Public Printer be directed to furnish each member of the Convention with two copies of the Journals, in sheets, every morning after they are printed, out of the three thousand directed to be published by the Convention for distribution among the people,

On motion of Mr. Pitt,

The Convention adjourned,

TUESDAY MORNING, NOVEMBER 25.

Mr. President announced as the committee on Miscellaneous Provisions, &c., the following gentlemen, viz :

Messrs. Jones of Newton, Green, Brooking, Brown, Buford, Farquhar, Griffin, Jackson of Randolph, and McHenry.

Mr. Jones of Newton offered the following resolution :

Resolved, That all propositions to amend the Constitution, be spread at large upon the journal, and that all reports from standing and select committees, and all communications made to the Convention, be collected by the Secretary, and published as an appendix to the Journal of the Convention.

Mr. Shields moved a division of the question.

On motion of Mr. Applegate,

The resolution was laid on the table.

Mr. Pitt offered the following resolution :

Resolved, That all the committees on the different portions of the Constitution, except such as have now reported, be instructed to inquire into the expediency of reporting the present Constitution of this State as it now is, except that portion which relates to representation.

Which resolution was, on motion of Mr. Wells, laid on the table.

Mr. Marmaduke presented a petition from the citizens of Pettis county, relative to annual sessions of the General Assembly, and moved that it be referred to the committee on Legislative Power. The petition was received.

Mr. Hunter moved to lay the petition on the table ;

Which motion was rejected.

The petition was then referred to the committee on Legislative Power.

Mr. Wells offered the following resolution :

Resolved, That it is improper for this Convention to burden its standing committees with resolutions of enquiry, until after they shall have respectively reported on the several subjects confided to them.

Which resolution was, on motion of Mr. Acock, laid on the table.

Mr. Polk offered the following addition to the 39th Rule, to wit :

"Except that any record or paper which shall be referred, by order of the Convention, to any committee, may be taken by the chairman thereof, for the use of such committee, he being responsible therefor."

The rule requiring one day's notice in cases of proposed alterations of the Standing Rules, being,

On motion of Mr. Young, dispensed with,

The said addition was adopted.

Mr. Hunt offered the following resolution :

Resolved, That all resolutions and propositions of inquiry which may be introduced into the Convention, be referred to the appropriate committees, without debate thereon.

Which resolution was,

On motion of Mr. Jackson of Howard, laid on the table.

On motion of Mr. Morrow, it was

Resolved, That the Auditor of Public Accounts be requested to inform the Convention:

1st. What amount of stock the State owns in the Bank of the State of Missouri.

2d. What amount the State has received in dividends, from such stocks, and the rate per cent. which such dividends bear to the whole amount of such stock.

3d. Of the rate of interest which the bonds bear, which have been sold on account of the subscription of the State to the stock of such Bank.

4th. Whether the dividends, received by the State from the Bank, have been sufficient to pay the interest on the bonds sold on account of the subscription of the State to the stock of the Bank; and, if not, what the difference is between the amount of dividends received and the amount of interest which has accrued upon such bonds; and in what manner such interest has been paid, and from what source the funds have been derived.

Mr. Woodson introduced the following resolution:

Resolved, That the committee on Legislative power be instructed to inquire into the policy of so amending the 3rd article of the Constitution as to base representation upon the number of *free white inhabitants* of this State.

Mr. Brown moved to amend the resolution by inserting the words "qualified electors," in lieu of the words "free white inhabitants."

On motion of Mr. Jones of Newton, the resolution and amendment were laid on the table.

Mr. Coalter offered the following resolution:

Resolved, That the several committees to whom were referred the different parts of the Constitution, be discharged from the further consideration of the subjects assigned them, and that the Convention proceed to take up the Constitution, section by section, and act upon it in committee of the whole.

Mr. Jones of Newton moved to lay the resolution on the table.

Mr. Acock moved to postpone the resolution till Friday next.

The question being on the adoption of the motion to lay on the table, was decided in the affirmative.

Mr. Gibbony introduced the following resolution:

Resolved, That the Auditor of Public Accounts be required to report to this Convention, the amount per annum of moneys received by this State, from the people thereof, by way of an indirect tax imposed by the Legislature in the form of "merchants' licenses."

Mr. Jones of Newton, proposed the following amendment, which was agreed to, to wit:

Insert after the word "merchant," the words, "grocery, dram-shop keepers, auctioneers, pedlars and brokers."

The resolution, as amended, was then,

On motion of Mr. Slack, laid on the table.

On motion of Mr. Finch,

Mr. McHenry was added to the committee on Internal Improvements.

Mr. Ward presented a petition, which, he stated, was on the subject of the abolition of slavery.

Mr. Ewing moved to refuse the reception of the petition.

Mr. Hunter called for the ayes and noes, on the motion to refuse the reception.

Which, being ordered, are as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bassett, Be-
vitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell,
Cannon, Coalter, Davis, Ewing, Farquhar, Finch, Forshey, Foster, Ful-
kerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter,
Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Frank-
lin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke,
McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Por-
ter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong,
Ward, Wells, Wilcoxson, Woodson, Young, and Mr. President—63.

NOES—None.

Absent—Messrs. Massey and Polk.

On motion of Mr. James,

Mr. Hunter was added to the committee on Internal Improvements.

Messrs. McHenry and Hunter asked to be excused from serving on the
said committee; which was granted.

Mr. Applegate moved that the Convention adjourn.

Which motion was rejected.

On motion of Mr. Pipkin,

The Convention adjourned till 2 o'clock, P. M.

EVENING SESSION.

The proposition reported by the Executive committee, in lieu of the
4th article of the present Constitution, was read a second time.

Mr. Applegate moved to amend the proposition, as follows:

Strike out section 2, and insert in lieu thereof the following:

Sec. 2. The Governor shall be at least thirty years of age, a free white
citizen of the United States, and shall have been a citizen of the United
States ten years, and of the State of Missouri at least five years next pre-
ceding his election.

The rule being suspended, on motion of Mr. Jones of Newton, the
amendment of Mr. Applegate was read a second time.

Mr. Jones of Newton, moved to amend the amendment, by striking out
the word "ten," in the fourth line, and inserting the words "twenty-one,"
and by striking out the word "five," in the fifth line, and inserting "nine."

Which motion was objected to; and

The question being on the rejection of the amendment to the amend-
ment, was decided by ayes and noes as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bassett, Be-
vitt, Branstetter, Brooking, Brown, Buford, Bunch, Cannon, Coalter, Davis, Farqu-
har, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Jackson of Howard,
Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kin-
cheloe, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Pan-

nell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, and Mr. President—46.

NOES—Messrs. Anderson, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Hickman, Hunter, Hyatt, Jones of Newton, Leslie, Pitt, Polk, Stone, Woodson and Young—17.

Absent—Messrs. Broadhead and Morrow.

So the amendment to the amendment was rejected.

Mr. Anderson offered the following amendment to the amendment of Mr. Applegate, to wit:

Strike out all after the words "Section 2," and insert the following:

The Governor shall be at least 30 years of age, and a natural born citizen of the United States, or a citizen at the adoption of the Constitution of the United States, or an inhabitant of that part of Louisiana now included in the State of Missouri at the time of the cession thereof from France to the United States, and shall have been a resident of the same at least four years next before his election.

On motion of Mr. Ewing,

The Convention adjourned.

WEDNESDAY MORNING, NOVEMBER 26.

Mr. Urial Wright, from the 28th District, appeared, presented his credentials, was qualified, and took his seat.

Mr. Woodson presented a petition on the subject of the Common Schools, which was received and read, and,

On motion of Mr. Ewing, was referred to the committee on Education.

The committee on Education, by Mr. Polk, their chairman, submitted a report, recommending the following proposition, as the 6th article of the new Constitution, to wit:

ARTICLE VI.

Of Education.

Sec. 1. Schools and the means of education shall forever be encouraged in this State; and the General Assembly shall take measures to preserve from waste or damage such lands as have been or hereafter may be granted by the United States for the use of schools within each township in this State, and shall apply the funds which may arise from such lands in strict conformity to the object of the grant.

Sec. 2. There shall be a Superintendent of Public Schools, who shall be appointed in such mode and receive such compensation as the Legislature shall direct.

Sec. 3. The Legislature shall establish free public schools throughout

the State, and shall provide means for their support by taxation on property, and by capitation tax or otherwise. In such schools there shall be no distinction for or against any religious sect or denomination, and all the schools shall be on terms of equality.

Sec. 4. There shall be appropriated, for the purposes of education, by means of such schools,—

First, The proceeds of all lands heretofore granted by the United States to this State for the use or support of Schools, whether derived from sales or otherwise, and of all lands which may hereafter be granted or devised to the State, and not expressly devised or granted for any other purpose.

Second, The proceeds of the estates of all deceased persons, to which the State has become entitled by law, and which have not been otherwise appropriated, and of the estates of all deceased persons which the State may hereafter become entitled to by law, and of all fines and forfeitures that may hereafter accrue to the State.

Third, All the moneys, with the interest thereon, received by this State from the United States, by virtue of an act of Congress approved June 23rd, 1836, entitled "An act to regulate the deposits of the public money;" *Provided*, That if said money be called for by the United States, it shall be refunded accordingly.

Fourth, The proceeds and income of the 500,000 acres of land granted by the United States to this State by act of Congress approved September the 4th, 1841; *Provided*, That the Congress of the United States shall assent to this disposition of said 500,000 acres.

And this appropriation shall be held by the State as a loan, and shall be and remain a permanent fund, on which the State shall pay an interest of six per centum per annum, which interest shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

Sec. 5. All moneys, including principal and interest, arising from the sales which have been or hereafter may be made of any lands granted by the United States to this State, for the use of a seminary of learning, and the proceeds of all such lands remaining unsold, and the proceeds of all donations that may hereafter be made for that purpose, shall be and remain a perpetual fund, upon which the State shall pay an annual interest of six per cent., which shall be appropriated to the support of the seminary of learning established for the promotion of literature, and the arts and sciences, by an act of the General Assembly of this State, approved February the 11th, A. D. 1839, by the name of "The Curators of the University of the State of Missouri," and located in the town of Columbia, in the county of Boone.

The report was received, and the proposition read a first time, and ordered to a second reading.

The committee on the Declaration of Rights, by Mr. Hunter, their chairman, made a report, recommending a proposition in lieu of the 13th article of the present Constitution, which proposition is as follows:

DECLARATION OF RIGHTS.

That the general, great and essential principles of liberty and free government, may be recognized and established, we declare:

Sec. 1. That all political power is vested in and derived from the people.

Sec. 2. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness.

Sec. 3. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for their redress of grievances, by petition or remonstrance; and that their right to bear arms in defence of themselves and of the State cannot be questioned.

Sec. 4. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own conscience; that no man can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel or teacher of religion; that no human authority can control or interfere with the rights of conscience; that no person can ever be hurt, molested, or restrained in his religious professions or sentiments, if he do not disturb others in their religious worship.

Sec. 5. That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this State; that no preference can ever be given by law to any sect or mode of worship; and that no religious corporation can ever be established in this State.

Sec. 6. That all elections shall be free and equal.

Sec. 7. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to persons, property or character; and that right and justice ought to be administered without sale, denial or delay; and that no private property ought to be taken or applied to public use, without just compensation.

Sec. 8. That the right of trial by jury, shall remain inviolable.

Sec. 9. That in all criminal prosecutions, the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and in prosecutions of presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused cannot be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers or the law of the land.

Sec. 10. That no person after having been once acquitted by a jury, can, for the same offence, be again put in jeopardy of life or limb; but if, in any criminal prosecution, the jury be divided in opinion, at the end of the term, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of such court.

Sec. 11. That all persons shall be bailable by sufficient sureties, except for capital offence, when the proof is evident or the presumption great; and the privilege of the writ of *Habeas Corpus* cannot be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. 12. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 13. That the people ought to be secure in their persons, papers, houses and effects, from unreasonable searches, and seizures; and no warrant to search any place or seize any person or thing, can issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

Sec. 14. That no person can, for an indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

Sec. 15. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court; that no person can be attainted in treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives, shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there ought to be no forfeiture by reason thereof.

Sec. 16. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write and print on any subject, being responsible for the abuse of that liberty; and in all prosecutions for libel, the truth thereof may be given in evidence, and the jury may determine the law and the facts under the direction of the court.

Sec. 17. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed; nor can the person of a debtor be imprisoned for debt after he shall have surrendered his property for the benefit of his creditors, in such manner as may be prescribed by law.

Sec. 18. That no person who is religiously scrupulous of bearing arms, can be compelled to do so, but may be compelled to pay an equivalent for military service, in such manner as shall be prescribed by law; and that no priest, preacher of the gospel, or teacher of any religious persuasion, or sect regularly ordained as such, be subject to military duty, or compelled to bear arms.

Sec. 19. That all property subject to taxation in this State, shall be taxed in proportion to its value.

Sec. 20. That no title of nobility, hereditary emolument, privilege or distinction, shall be granted; nor any office created, the duration of which shall be longer than the good behaviour of the officer appointed to fill the same.

Sec. 21. That migration from this State cannot be prohibited.

Sec. 22. That the military is, and in all cases and at all times shall be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the

owner; nor in time of war, but in such manner as may be prescribed by law: nor can any appropriation for the support of an army be made for a longer period than two years.

Sec. 23. That every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all acts of the Legislature contrary to this or any other article of this Constitution, shall be void.

The report was received; and the proposition was read a first time and ordered to a second reading.

The committee on Boundaries, by Mr. Anderson their chairman, made a report, recommending the following proposition to stand as Article I, of the new Constitution, to wit:

ARTICLE I.

Of Boundaries.

We do declare, establish, ratify and confirm the following, as the permanent boundaries of the State of Missouri, that is to say:

Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence, west along the said parallel of latitude to the St. Francois river; thence, up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence, west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence, to the middle of the main channel of the Missouri river; thence, up and following the course of said stream, in the middle of the main channel thereof, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines; thence, east from the point of intersection last aforesaid, along the said parallel of latitude to the middle of the main channel of the main fork of the said river Des Moines; thence, down along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence, down and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning.

The report was received; and the proposition read a first time and ordered to a second reading.

The committee on Boundaries, to whom were referred the proposition of Mr. Jones of Newton, relative to the south and west boundaries of the State, and the report of the Select committee thereon, by Mr. Jones of Newton, submitted a report, recommending the adoption of the following proposition, to wit:

AN ORDINANCE,

Proposing to the Congress of the United States the extension of the South-western Boundary of the State of Missouri.

WHEREAS, The full and free navigation of the Neosho or Grand river of the Arkansas, is indispensably necessary to the prosperity of a large portion of the people inhabiting the south-western part of the State of Missouri, and as said river lies exclusively within the Indian country, and within a few miles of the western boundary line of this State, without its navigation being available;—

Now, Therefore, in order to secure the important benefits of the navigation of said river to the people of this State, this Convention, for and in behalf of the people inhabiting this State, and by the authority of the said people, *Do Ordain*, that the following proposition be offered to the Congress of the United States for acceptance or rejection; and which, if accepted by Congress, shall be obligatory upon the State of Missouri, and binding as a part of the Constitution:

That the boundaries of the State of Missouri be altered and extended from the south-west corner of the State, due west, along the parallel of thirty-six degrees and thirty minutes north latitude, to the middle of the main channel of the Neosho or Grand river of the Arkansas; thence, up the middle of the main channel of said stream, to the point of junction of the Neosho with Spring river, and Lost creek; thence up the middle of the main channel of Spring river, to the point where the meridian line, which passes through the middle of the mouth of the Kansas river, first strikes Spring river, below the junction of the North Fork with said stream, and above the mouth of Cow creek, so as to include all that tract of land which is situated between the limits described aforesaid, and the present west boundary line of the State.

The report was received, and the proposition was read a first time and ordered to a second reading.

Mr. President announced Mr. Anderson's amendment to Mr. Applegate's amendment to section 2 of the 4th article, as being under consideration.

On motion of Mr. Anderson,

The convention adjourned till 2 o'clock, P. M.

EVENING SESSION.

The question being on the adoption of the amendment to the amendment, was decided in the negative, by ayes and noes, as follows :

AYES—Messrs. Anderson, Broadhead, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Hickman, Hunter, Hyatt, Pitt, Stone, Woodson, Wright, and Young—16.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Bevitt, Branstetter, Brooking, Brown, Buford, Bunch, Cannon, Coalter, Davis, Farquhar, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, and Mr. President—49.

Absent—Mr. Leslie.

Mr. Jones of Newton, offered the following amendment to the amendment, to wit:

Strike out all after the words "*the Governor*," and add,
 "Shall be at least thirty years of age, a free white citizen of the United States, and shall have been a citizen of the United States fifteen years, and of the State of Missouri at least five years next preceding his election."

The question being on its adoption, was decided in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Broadhead, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Hickman, Hyatt, Jones of Newton, Leslie, Neaves, Pitt, Polk, Stone, Woodson, Wright, and Young—19.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Bevitt, Branstetter, Brooking, Brown, Buford, Bunch, Cannon, Coalter, Davis, Farquhar, Finch, Fulkerson, Greene, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, and Mr. President—47.

Mr. Hyatt moved that the Convention adjourn;

Which motion was rejected.

Mr. Pitt moved to amend the amendment, by adding the following proviso:

"*Provided*, That no other than a native born citizen of the United States shall be eligible to the office of Governor, except such as are of, or are lineal descendants of, those who participated in the struggle for the Independence of the United States of America."

On motion of Mr. Thomas,
 The Convention adjourned.

THURSDAY MORNING, NOVEMBER 27, 1845.

Mr. Leslie offered the following resolution:

Resolved, That the Judiciary committee be instructed to report the following amendments to the fifth article of the present Constitution, to wit:

Sec. 1. The Supreme Judicial power, as to matters of law and equity, shall be vested in a supreme court, in circuit courts, and in such inferior tribunals as the General Assembly may from time to time, by law, establish.

Sec. 2. The supreme court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which jurisdiction shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

Sec. 3. The supreme court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other original remedial writs; and to hear and determine the same.

Sec. 4. The State shall be divided into ——— circuits; for each of which circuits a judge shall be elected by ———, who after his election shall reside and be a conservator of the peace within the circuit for which he shall be elected.

Sec. 5. The supreme court shall consist of all the circuit judges in the State, a majority of whom shall be a quorum; and the said judges shall be conservators of the peace throughout the State.

Sec. 6. The circuit court shall have jurisdiction over all criminal cases which shall not be otherwise provided for by law; and exclusive original jurisdiction in all civil cases which shall not be cognizable before justices of the peace, and which are not now cognizable before any other courts according to the existing laws of the State, until otherwise provided by law. The circuit court shall hold its terms in such places as may be by law directed.

Sec. 7. The circuit court shall exercise a superintending control over all such inferior tribunals as the General Assembly may hereafter establish, or have heretofore established, and over justices of the peace in each county in their respective circuits.

Sec. 8. The circuit courts shall have original jurisdiction in matters of equity, subject to appeal to the supreme court, in such manner, and under such restrictions, as is or may hereafter be provided by law.

Sec. 9. The term of office of the supreme and circuit judges shall be ——— years, each of whom shall receive for his services ———, which shall not be diminished during his continuance in office.

Sec. 10. No person shall be elected a judge of the circuit court before he shall have attained the age of ——— years.

Sec. 11. The courts, respectively, shall appoint their clerks, who shall hold their offices during the pleasure of the said courts respectively.

Sec. 12. Any judge of the supreme or circuit court may be removed from office on the address of two-thirds of each house of the General

Assembly to the Governor for that purpose; but each House shall state on its respective journal the cause for which it wishes the removal of such judge, and give him notice thereof, and he shall have the right to be heard in his defence, as the General Assembly shall by law direct; but no judge shall be removed in this manner for any cause for which he might have been impeached.

Sec. 13. There shall be elected in each county as many justices of the peace as the public good may require. Their powers and duties and duration in office to be regulated by law.

The resolution was, on Mr. Leslie's motion, laid on the table.

Mr. Jones of Franklin, offered the following resolution:

Resolved, That one thousand five hundred additional copies of the journals of this Convention be printed in the German language for the purpose of distribution.

Mr. Pitt moved to amend the resolution by adding "Delaware, Stockbridge, Cherokee."

Mr. Ewing moved to amend the amendment by adding, "and one thousand in the Shawnee and Pawquaw."

Mr. Hunter moved to postpone indefinitely the resolution and amendments.

The question being on agreeing to said motion, was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brown, Buford, Bunch, Campbell, Coalter, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Neaves, Nickel, Pipkin, Pitt, Polk, Porter, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright and Young—51.

NOES—Messrs. Bassett, Cannon, Finch, Jackson of Howard, Jones of Franklin, Marmaduke, Morrow, Shields, Simonds, Stewart, Wells, and Mr. President—12.

Absent—Messrs. Brooking, Davis, and Pannell.

The committee on Banks and Corporations, by Mr. Jackson of Howard, their chairman, submitted a report, recommending the following proposition as a substitute for Article 8, of the present Constitution, to wit:

ARTICLE VIII.

Of Banks and Corporations.

Sec. 1. No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges.

Sec. 2. No special corporation, except for political or municipal pur-

poses, shall be created in the State; but the General Assembly shall provide by general laws for the organization of all corporations: *Provided*, That all corporations with banking or discounting privileges, are absolutely prohibited; but in all such incorporations the stockholders shall be responsible, in their individual and private capacity, for all debts which may be incurred in any manner whatever by such incorporations; and no transfer of any stock by one stockholder to another, or to any other person, shall, in any manner whatever, impair, lessen, or diminish the liability of any such original stockholder.

Sec. 3. The Legislature shall prohibit by law, individuals and corporations from issuing bills, checks, tickets, promissory notes, or other paper, to circulate as money.

Sec. 4. That no institution for banking or discounting purposes shall exist in this State after the first day of January, 1847, and it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to provide by law for closing up the affairs of the Bank of the State of Missouri, having due regard to the interests of all the parties concerned.

The report was received, and the proposition was read a first time, and ordered to a second reading.

Messrs. Broadhead and Brooking, respectively, gave notice that they would, at a subsequent day, submit reports from minorities of said committee on Banks and Corporations.

Mr. Broadhead, on leave, then introduced a report from a minority of said committee, recommending the adoption of the following proposition:

Resolved, That the whole of the 8th article of our present Constitution be stricken out.

The report was received, and the proposition was read a first time and ordered to a second reading.

The committee on Judicial Power, by Mr. Hunt, their chairman, made the following

REPORT:

The committee appointed to consider and report upon the judicial powers of the government, have given the same careful attention, and two different systems have been proposed. One system proposes to have Circuit Courts with one set of Judges, and a Supreme Court with different Judges. The other is a *nisi prius* system, and proposes to have a sufficient number of Circuit Judges to do the business of the Circuit Courts, and that the same Judges shall meet together and form the Supreme Court.

The Judges under both systems are proposed to be periodically elected by the people.

Between these two systems, the committee are equally divided, and ask the instructions of the Convention as to which system they shall select.

Which report was received.

Mr. President announced, as the subject under consideration, the amendment of Mr. Pitt to the amendment of Mr. Applegate to section 2 of article 4;—whereupon,

Mr. Pitt withdrew his amendment.

Mr. Bassett moved to amend the amendment by striking out all after the words "*Section 2*," and inserting the following :

"The Governor shall be at least thirty-five years of age, and a free white citizen of the United States, and shall have been a resident of this State at least seven years preceding his election.

Which motion was, on motion of Mr. Jones of Newton, laid on the table.

Mr. Pitt moved to adjourn till 2 o'clock.

Rejected.

Mr. Alexander offered the following amendment to the amendment, to wit:

After the word "thirty," in the first line, insert the word "five."

Rejected.

Mr. Wells moved that the proposition recommended by the committee on Executive Power, in lieu of article 4, be taken up and acted upon, section by section ;

Which motion was agreed to.

On motion of Mr. Wells,

The convention adjourned till 2 o'clock, P. M.

EVENING SESSION.

Under Mr. Well's motion,

Section 1, of the proposition under consideration, was taken up and agreed to.

Section 2 was then taken up ; and the question being on the adoption of Mr. Applegate's amendment thereto, was decided in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock, Alexander, Applegate, Bassett, Bevitt, Branstetter, Brooking, Brown, Buford, Bunch, Cannon, Coalter, Davis, Farquhar, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, and Mr. President—50.

NOES—Messrs. Anderson, Broadhead, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Hickman, Hunter, Hyatt, Pitt, Stone, Wright, and Young—15.

Sick—Mr. Woodson.

Section 3 was then taken up.

Mr. Jackson of Howard, offered the following, as a substitute for section 3 :

"Section 3. The Governor shall hold his office for two years, and until a successor be duly elected and qualified. He shall be elected in the manner following: At the time and place of voting for members of the House of Representatives, the qualified electors shall vote for a Governor, and the person receiving the highest number of votes shall be declared duly elected Governor of the State; and when two or more persons have an equal number of votes, the election shall be decided between them by a joint vote of both houses of the General Assembly, at their next session."

Mr. Brown offered the following amendment to the amendment, to wit :

"The Governor shall hold his office for four years, and until a successor shall be duly appointed and qualified. He shall be elected in the manner following :

At the time and place of voting for members of the House of Representatives, the qualified electors shall vote for a Governor. The returns of every election for Governor, shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State; who shall open and count them in the presence of the Governor, Auditor and Treasurer of State; and, in case of an election by a majority of all the votes returned, the choice by them shall be declared and published; but if no person shall have a majority of all the votes given, then the Governor shall issue his proclamation to the electors of the State, and cause an election to be held on the second Monday in October next succeeding, when an election will be held to vote for Governor, when the electors shall vote for one of the two having the highest number of votes; and the returns for Governor on the second election, shall be returned in the same manner as before mentioned, and the Secretary of State shall hand them over to the Speaker of the Senate, who shall open and count them in the presence of both houses of the General Assembly; and the person having the highest number of votes shall be Governor; but if they have an equal number of votes on the second election, then one of them shall be chosen Governor by joint vote of both houses of the General Assembly.

Which amendment to the amendment was rejected.

Mr. Hunt offered the following amendments to the amendment, to wit :

Strike out the words "the person receiving the highest number of votes," and insert, "and the person receiving a majority of all the votes cast at the election."

And add to the section,

"And if no one shall receive a majority of the votes given, the Legislature at the ensuing session shall elect from two candidates receiving the highest number of votes a Governor."

Which amendments were rejected.

Mr. Wells moved to amend the amendment, by adding the following:

"And if neither candidate receive a majority of all the votes cast,

the Governor shall, by proclamation, order a new election, which shall be conducted, in all things, as the first election; and if neither candidate receive a majority of all the votes cast at the second election, a third shall be ordered, and conducted and returned in the same manner; and so on, till some candidate receive a majority of the whole number cast."

Which amendment was rejected.

Mr. Marmaduke moved to amend the amendment, by adding:

"And if neither candidate receive a majority of all the votes cast at any election so held, the Governor shall, by proclamation, so soon as he ascertains this, order a new election, which shall be conducted in all things as the first election. If on the second election neither candidate receives a majority of all the votes cast, the two houses of the General Assembly shall, by joint vote, select from the two candidates who have received the highest number of votes in the second election."

Which amendment was also rejected.

Mr. Cannon moved to amend by adding:

"The Governor shall be eligible to re-election, but shall be ineligible for four years in every period of eight years.

Rejected.

The question recurred on the adoption of the amendment of Mr. Jackson of Howard, and was decided in the negative by ayes and noes, as follows:

AYES—Messrs. Acock, Applegate, Bassett, Bevitt, Bunch, Davis, Finch, Hunt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, McHenry, Morrow, Pannell, Porter, Shields, Simonds, Stewart, Thomas, and Wilcoxson—24.

NOES—Messrs. Alexander, Anderson, Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Cannon, Coalter, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunter, Hyatt, Jackson of Randolph, Kincheloe, Massey, Mitchell, Neaves, Nickel, Pipkin, Pitt, Polk, Simpson, Slack, Stone, Tong, Ward, Wells, Wright, Young, and Mr. President—41.

Sick—Mr. Woodson.

Mr. President announced a communication from the Auditor of Public Accounts, which was received and read, and referred to the committee on Legislative Power; and is as follows:

AUDITOR'S OFFICE, MISSOURI.

To the President of the Convention:

SIR—The following resolutions, adopted on the 22d inst. by the body over which you preside, has been received at this Department, to wit:

Resolved, That the Auditor of Public Accounts be requested to inform the Convention:

1st. Of the time of the creation of the first item of the present debt of the State.

2d. What sums have been borrowed by the Legislature since? at what time? and at what rates of interest?

3d. The present amount of the State debt, and what portion of the same is for Bank stock? and for what purposes the remainder of such debt was contracted?

4th. What amount of such debt has been extinguished? and from what sources the funds have been derived which have been applied to such extinguishment.

The undersigned regrets that his official duties have prevented his answering until now, as it will afford him great pleasure to furnish the Convention any information, in his power, calculated to throw light upon any of the important subjects that may be considered in their deliberations. He would remark, however, that the collectors of the revenue are beginning to present themselves for settlement; they cannot make final payment to the Treasurer, until after having settled their accounts with this office. Their great impatience at being detained here, on expense, at this season of the year, with, in some cases, sick families at home, constrains the undersigned to despatch them as quick as possible; to do which, will not permit him to make that critical examination of the subjects referred to in the resolutions, that he could desire. He must, therefore, content himself with furnishing the Convention data from which they can arrive at the information sought.

The undersigned will proceed to answer the resolutions in the order in which they stand.

1st. "Of the time of the creation of the first item of the present debt of this State."

To answer this interrogatory, to the letter, would require no less than that of the financial history of the State government from its foundation. Assuming that the State recognizes the principle, that Seminary and State School Funds are funds which the State is, in good faith, bound to preserve unimpaired, I set them down as so much debt against the State. Prior to the chartering of the Bank of the State of Missouri, it was the practice of the government to use, when needed, the Seminary, Saline and other funds, for defraying its expenses, paying those funds interest for such use. In the Bank charter it is provided that the Governor shall ascertain the amount of the principal and *interest* of the Seminary and Saline Funds, &c. (See sec. 5.)—The Saline Fund was merged into the State School Fund; so that it follows that the portions of those funds composed of *interest*, are "*items*" of real indebtedness. But, I presume, it is not desired by the Convention to look into these small items; therefore I set down the second day of February, 1837, as the date at which the first important items of our State debt were created. On that day, the Legislature, by its act, agreed to borrow, on bonds of the State, \$75,000 to build a Capitol, \$70,000 of which was obtained; and on the same day, (an unfortunate

one for the government and people of Missouri) the bill to charter the Bank of the State of Missouri was approved.

2nd. "What sums have been borrowed by the Legislature since? at what time? and at what rates of interest?"

On the 9th of February, 1839, the Legislature, by its act, authorized the Governor to borrow a sum not to exceed \$200,000, at a rate of interest not to exceed six per centum per annum, for the purpose of military services. Under this law, \$100,000 were obtained.

On the 11th day of February, 1839, the General Assembly authorized a loan of \$125,000 for the building of the Capitol; and directed, for the purpose of securing the payment thereof, that bonds of the State, to be issued bearing interest at a rate not exceeding six per centum per annum, payable semi-annually; the bonds to be payable at the end of fifty years, but redeemable at any time after twenty-five years.

On the 13th of February, 1839, the Legislature provided for borrowing \$20,000 for purposes of Internal Improvement, (surveys) on bonds of the State, payable at a period not less than twenty-five years from date,—interest not to exceed six per cent. per annum.

On the 15th day of February, 1841, the General Assembly ordered the Executive, for the purpose (as the title of the law expresses) of paying the State debt, to issue bonds of the State to the amount of \$253,261, to bear interest at a rate not to exceed ten per centum, (a novel way indeed of paying debts, when the principal sum is augmented and the rate of interest increased from six to ten per cent., and no change in creditors, but the length of credit shortened.) These bonds were made payable at the end of ten years, but redeemable five years after date;—the said sum of \$253,261 was to be applied as follows:

\$100,000 to refund money to the Bank, advanced by that institution, upon bonds of the State to pay volunteers, &c.

\$27,261, to be applied to pay interest due the Bank.

\$82,000, to be applied to the payment of the volunteers.

\$19,000, to be applied to the payment of troops engaged in the Iowa disturbances, &c.

\$25,000, to pay for work on State Capitol.

On the 16th of February, 1841, the General Assembly authorized the Governor to execute bonds of the State for \$12,000, to pay for work done, or to be done, on the Capitol; the bonds to be payable ten years after date, but redeemable five years after date, to bear interest not to exceed seven per centum per annum.

On the 25th day of February, 1843, the General Assembly directed the Governor to execute bonds of the State to the amount of \$175,000, to be applied as follows:

\$20,000 to refund money to the Bank, by it advanced for purposes of Internal Improvement. (Surveys, &c.)

\$155,000 to refund money to the Bank, advanced on bonds of the State for building the Capitol. By the same law, bonds of the State to the amount of \$55,000 were issued to pay interest to the Bank. The bonds issued by virtue of this law, are payable ten years after date, and bear interest at the rate of eight per cent. per annum.

On the 27th of February, 1843, the Governor was directed to issue

bonds of the State to the amount of \$25,000, for the purpose of a Tobacco Warehouse in St. Louis; the bonds to be payable ten years after date, and to bear interest at a rate not to exceed ten per centum per annum. In relation to all these issues, it is proper to remark that they were negotiated for the maximum rate of interest authorized.

By virtue of an act of the General Assembly, approved March 14th, 1845, the Governor was authorized to borrow a sum not exceeding \$75,000, and to issue bonds therefor payable twelve months after date, and to bear interest at a rate not to exceed six per centum per annum, to be computed in the manner that the Bank discounts bonds. Under this law \$35,000 have been borrowed; \$20,000 on the 20th of March, and \$15,000 on the 19th of May, 1845.

3d. "The present amount of the State debt, and what portion of the same is for Bank stock? and for what purposes the remainder of such debt was contracted?"

The present debt is	\$2,084,938 85
And is constituted of the following items, to wit:	
Bonds of the State outstanding,	\$957,261 00
Surplus Revenue deposited with the State,	382,335 30
State School Fund,	575,667 96
Seminary Fund,	100,000 00
Interest claimed by Bank, as per quarterly report, September 26, 1845,	69,674 00
Making the aggregate sum of	<u>\$2,084,938 85</u>

Of this sum \$947,931 56, is invested in Bank stock, as follows:

Owned by the State in her own right,	\$272,263 60
Owned by the State in trust for Common Schools,	575,667 96
Owned by the State in trust for the State University,	100,000 00
Making the aggregate sum of	<u>\$947,931 56</u>

Of the remainder of said debt, there are bonds of the State outstanding for principal, on account of building the Capitol, \$232,000, besides those bonds given to pay the interest on said sum, the exact amount of which the undersigned has not the time to determine—that information being derivable only from accounts current of the Bank, from its going into operation until the settlement made under a law of the twelfth General Assembly.

As data from which the Convention can approximate to the true sum, the undersigned would remark, that the several sums for interest, down to that period, are chargeable to the Capitol, Military, and Internal Improvement bonds, their relative amounts will furnish a criterion for calculation.

As is shewn in a foregoing part of this Report, an item of the State debt is the Surplus Revenue deposited with the State by the General Government, \$382,335 30; \$20,000 for Internal Improvements, (principal;) \$35,000 bonds issued under act of last session, and the balance for principal of fund borrowed to pay military services, and interest on that fund, the Internal Improvement fund, and the fund for building the Capitol.

4th. "What amount of such debt has been extinguished? and from what sources the funds have been derived which have been applied to such extinguishment?"

In answer to the fourth and last resolution, the undersigned would remark, that no part of the, "*present debt*" has been extinguished. Several issues of bonds have been cancelled, but the cancelling, so far from lessening the State debt, in almost every case increased it.

Some bonds that were issued bearing six per cent. interest, were afterwards cancelled, and others issued in their stead bearing interest at eight and ten per cent.

The undersigned regrets that the duties of his office do not permit him to make that investigation which would enable him to answer satisfactorily all the interrogatories propounded, but hopes that what is here presented may furnish information satisfactory on the subject of most importance involved in the inquiries.

In conclusion the undersigned would remark, that having been under the necessity of collecting the materials of this report in great haste, lest the press of business should prevent his answering at all, and not having time to revise it, errors may have crept into it; but he flatters himself with the belief that, so far as stated, it may be relied upon as approximating to truth.

I have the honor to be, dear Sir,

— Your ob'dt. servant,

WILLIAM MONROE,

Auditor of Public Accounts of the State of Missouri.

On motion of Mr. Branstetter,
The Convention adjourned.

FRIDAY MORNING, NOVEMBER 28.

Mr. Woodson, on leave, recorded his vote in the negative on the amendment of Mr. Jackson of Howard to the 3rd section of the 4th article, and on the amendment of Mr. Applegate to section 2, in the negative also.

On motion of Mr. Campbell, it was

Resolved, That it shall not be necessary to spread on the journals the reports, communications, and other public documents of the Convention, but all such papers shall be carefully preserved, and, unless otherwise ordered, they shall be printed in an appendix to the journal, and bound up and distributed therewith.

Mr. Massey offered the following resolution, to wit :

Resolved, That it is the opinion of this Convention, that an apportionment should be made of Representatives in the popular branch of the General Assembly, by this Convention, to govern until after the first enumeration of the inhabitants, as may be provided in the Constitution.

Which resolution was,

On motion of Mr. McHenry, laid on the table.

The committee on Elections, by Mr. Pipkin, their chairman, reported a list of the members elect to this Convention.

The report was received and read.

Mr. Green offered the following propositions to amend the 10th and 3rd articles of the Constitution, to wit :

“Sec. —. It shall be the duty of the General Assembly to regulate by law the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacity, and the amount of such deductions.”

Also, that the following be added as sections to the 3rd article :

“Sec. —. No private or local bill that may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.”

“Sec. —. No law shall be revised or amended by reference to its title, but in such case the act revised or section amended, shall be re-enacted and published at length.”

Which were read a first and second time, the rule being suspended, and referred to the committee on Legislative Power.

Section 3 of article 4, being announced as under consideration, was taken up and agreed to.

Section 4 was also taken up and agreed to.

Section 5 was then taken up and agreed to.

Section 6 was then taken up.

Mr. Hunt moved to strike out all after the words “Section 6,” and insert the following :

“The Governor, with the advice and consent of the Attorney General, Auditor of Public Accounts, and Treasurer, or either two of them, shall, after judgment or conviction, and not before, have power to remit fines and forfeitures, and, except in cases of impeachment, to grant pardons.”

Mr. Forshey moved to amend the amendment; by striking out all after the words “Section 6,” and insert the following :

“The Governor shall have power, after conviction, to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons.”

Which was read a first time and ordered to a second reading.

Mr. Jones of Newton, moved to reject the amendment to the amendment;

Which motion was not sustained.

The amendment to the amendment, the rule being suspended, was read a second time.

Mr. Bunch moved to adjourn till 2 o'clock.

Rejected.

The question being on the adoption of the amendment to the amendment, was then decided in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Branstetter, Brooking, Brown, Buford, Bunch, Campbell, Davis, Ewing, Farquhar, Finch, Forshey, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Morrow, Neaves, Pannell, Pipkin, Pitt, Shields, Simpson, Slack, Stewart, Stone, Thomas, Ward, Wells, Wilcoxson, Woodson, Wright, and Young—50.

NOES—Messrs. Bassett, Broadhead, Coalter, Fulkerson, Hunt, Hunter, Jackson of Howard, Jones of Newton, McHenry, Nickel, Polk, Porter, Simonds, Tong, and Mr. President—15.

Absent—Mr. Cannon.

On motion of Mr. Simonds,

The Convention adjourned till 2 o'clock, P. M.

EVENING SESSION.

The question recurring on the 6th section, as amended, the same was agreed to.

Section 7 was taken up and agreed to.

Section 8 was taken up and agreed to.

Section 9 was taken up and agreed to.

Section 10 was taken up and agreed to.

Section 11 was taken up and agreed to.

Sec. 12 was then taken up.

Mr. Wells offered the following amendment:

Strike out all after the words "section 12," and insert,

"There shall be an Auditor of Public Accounts, who shall be elected by the qualified electors of the State. He shall continue in office four years, and until his successor is elected and qualified; and he shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government."

Which was read a first and second time.

The rule being suspended,

Mr. Massey called for a division of the question.

And the question being on striking out, was decided in the negative by ayes and noes, as follows:

AYES—Messrs. Acock, Anderson, Bassett, Bevitt, Branstetter, Brown, Bunch, Davis, Farquhar, Fulkerson, Gentry, Gibbony, Griffin, Hunt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Morrow, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Stewart, Tong, Wells, and Wilcoxson—32.

NOES—Messrs. Alexander, Applegate, Broadhead, Brooking, Buford, Campbell, Coalter, Ewing, Forshey, Foster, Green, Hickman, Horine, Hunter, Hyatt, Jackson of Randolph, Jones of Scotland, Kincheloe, Leslie, Mitchell, Pipkin, Pitt, Polk, Simpson Slack, Stone, Thomas, Ward, Woodson, Wright, Young, and Mr. President—32.

Sick—Messrs. Cannon and Finch.

So the amendment fell.

Mr. Brown introduced the following amendment:

Strike out all after section 12, article 4, and insert the following:

“There shall be an Auditor of Public Accounts, who shall be appointed by joint vote of both houses of the General Assembly; he shall continue in office four years, and shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government.”

Which amendment was read a first time; and objections being made, was rejected.

Mr. Bassett moved to strike out all after the words “section 12,” and insert,

“There shall be an Auditor of Public Accounts, who shall be elected by the qualified electors at such time and in such manner as is now provided by the Constitution of this State for the election of Governor; and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both Houses of the General Assembly at their next session. When a vacancy happens in said office, it shall be filled by an appointment made by the Governor; and the person so appointed shall continue in office until his successor is duly elected and qualified. The tenure of the office shall be the same as that of Governor; provided the said Auditor shall continue in office until his successor is duly elected and qualified. The Auditor shall perform such duties as may be prescribed by law, and his office shall be kept at the seat of government.”

Which amendment was read a first, and the rule being suspended, a second time.

On motion of Mr. Massey,

The Convention adjourned.

SATURDAY MORNING, NOVEMBER 20.

Mr. Morrow introduced the following resolution :

Resolved, That the officers of this Convention be paid the same *per diem* as the officers of the same grade of the last House of Representatives of the General Assembly of the State.

Mr. Shields offered the following amendment :

Resolved, That the Secretary and his assistant, be each allowed for their services, four dollars per day, and the Doorkeeper three dollars per day.

Mr. Young moved to amend the amendment, by adding,

"And that the Secretary and his assistant shall receive the legal pay for copying the journals for the printer ;"

Which was rejected.

The amendment of Mr. Shields was then agreed to.

Mr. Shields moved a reconsideration of his amendment, which was granted; and altered his amendment so as to read as follows :

Resolved, That the Secretary and his assistant, be each allowed for their services, four dollars and fifty cents per day; and the Doorkeeper three dollars per day; and the President four dollars and fifty cents per day.

Mr. Massey moved to amend the amendment, by striking out the words "*four dollars and fifty cents*," and inserting the words "*three dollars*."

Which motion was rejected.

Mr. Pitt moved to amend the amendment, by adding the words "*and fifty cents*," after the words "*three dollars*."

Rejected.

The question recurred on the adoption of the amendment of Mr. Shields, as altered, and was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Anderson, Applegate, Bevitt, Broadhead, Brooking, Campbell, Cannon, Coalter, Davis, Ewing, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Mitchell, Morrow, Nickel, Pannell, Pipkin, Polk, Shields, Simonds, Simpson, Slack, Stewart, Stone, Ward, Wells, Wilcoxson, Wright, and Young—48.

NOES—Messrs. Acock, Alexander, Bassett, Branstetter, Brown, Buford, Bunch, Hunter, James, Massey, McHenry, Neaves, Pitt, Porter, and Tong—15.

Absent—Mr. Thomas.

Sick—Mr. Woodson.

Excused from voting—Mr. President

The committee on Legislative Power, by Mr. Cannon, their chairman, made a report, recommending a proposition to stand in lieu of the 3rd article of the present Constitution.

The report was received and read; and the proposition is as follows :

ARTICLE III.

Of the Legislative Power.

Sec. 1. The Legislative Power shall be vested in a "General Assembly," which shall consist of a "Senate" and "House of Representatives."

Sec. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties; and the whole number of Representatives shall never exceed one hundred.

Sec. 3. Representation shall be equal and uniform in this State, and shall be forever regulated and ascertained by the qualified electors therein, and so apportioned as to give, as near as possible, to each qualified elector in the State an equal voice in the legislation thereof.

Sec. 4. No person shall be a member of the House of Representatives, who shall not have attained the age of twenty-four years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State two years, and of the county which he represents one year next before his election, if such county shall have been so long established; but if not, then of the county or counties from which the same shall have been taken; and who shall not, moreover, have paid a State or county tax.

Sec. 5. The General Assembly, at their first session, and every fourth year thereafter, shall cause an enumeration of the qualified electors of this State to be made; and, at the first session after such enumeration, shall apportion the number of Representatives among the several counties, as directed by the third section of this article.

Sec. 6. In making an apportionment under this Constitution, whenever it shall appear that several adjoining counties contain fractions of electors not so large as the ratio fixed for one Representative under such apportionment, or fractions over the ratio of one, and under that of two, or over the ratio of two and under that of three, or over the ratio of three and under that of four, and so on; and said fractions, when added together, will make the ratio of one Representative, the said adjoining counties shall be constituted into an election district, as nearly square as possible, and, together, be entitled to elect one Representative, in addition to the Representative or Representatives of such counties.

Sec. 7. The Senators shall be chosen by the qualified electors, for the term of four years. No person shall be a Senator who shall not have attained to the age of thirty years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State four years, and of the district which he may be chosen

to represent, one year next before his election, if such district shall have been so long established ; but if not, then of the district or districts from which the same shall have been taken ; and who shall not, moreover, have paid a State or county tax.

Sec. 8. The Senate shall consist of not less than fourteen nor more than thirty-three members ; for the election of whom, the State shall be divided into convenient districts, which may be altered from time to time, and new districts established, as public convenience may require, and the Senators shall be apportioned among the several districts, according to the number of qualified electors in each ; *provided*, that when a Senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

Sec. 9. At the first session of the General Assembly, the Senators shall be divided, by lot, as equally as may be, into two classes. The seats of the first class shall be vacated at the end of the second year, and the seats of the second class at the end of the fourth year, so that one-half of the Senators shall be chosen every second year.

Sec. 10. After the first day of January, one thousand eight hundred and forty-seven, all general elections shall commence on the first Monday in August, and shall be held biennially ; and the electors, in all cases, except of treason, felony, or breach of the peace, shall be privileged from arrest, during their continuance at elections, and in going to and returning from the same.

Sec. 11. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the General Assembly.

Sec. 12. Every free white male citizen of the United States, who may have attained the age of twenty-one years, and who shall have resided in this State one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective officers ; *provided*, that no soldier, seaman, or mariner, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

Sec. 13. No judge of any court of law or equity, secretary of State, attorney general, State auditor, State or county treasurer, register, or recorder, clerk of any court of record, sheriff, coroner, member of congress, nor other person holding any lucrative office under the United States or this State, militia officers, justices of the peace and postmasters excepted, shall be eligible to either house of the general assembly.

Sec. 14. No person who now is, or hereafter may be, a collector or holder of public money, nor any assistant or deputy of such collector, or holder of public money, shall be eligible to either house of the general assembly, nor to any office of profit or trust, until he shall have accounted for and paid all sums for which he may be accountable.

Sec. 15. No person while he continues to exercise the functions of a bishop, priest, or clergyman, or teacher of any religious persuasion, denomination, society or sect whatsoever, shall be eligible to either

house of the general assembly, nor shall he be appointed to any office of profit within the State; the office of justice of the peace excepted.

Sec. 16. The general assembly shall have power to exclude from every office of honor, trust, or profit within this State, and from the right of suffrage, all persons convicted of bribery or other infamous crime:

Sec. 17. Every person who shall be convicted of having directly or indirectly given or offered any bribe to procure his election or appointment, shall be disqualified for any office of honor, trust or profit, under this State; and any person who shall give or offer any bribe to procure the election or appointment of any other person, shall, on conviction thereof, be disqualified for an elector, or for any office of honor, trust or profit under this State, for ten years after such conviction.

Sec. 18. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during said term; except such offices as shall be filled by elections by the people.

Sec. 19. Each house shall appoint its own officers, and shall judge of the qualifications, elections and returns of its own members. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Sec. 20. Each house may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds of all the members elected, expel any member; but no member shall be expelled a second time for the same cause. They shall each, from time to time, publish a journal of their proceedings, except such parts as may, in their opinion, require secrecy; and the yeas and nays on any question shall be entered on the journal at the desire of any two members.

Sec. 21. The doors of each house, and of committees of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish by fine or imprisonment, any person, not a member, who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in their presence during their session; provided that such fines shall not exceed three hundred dollars; and such imprisonment shall not exceed forty-eight hours for one offence.

Sec. 22. Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than to that in which the two houses may be sitting.

Sec. 23. Bills may originate in either house, and may be altered, amended, or rejected by the other; and every bill shall be read on three different days in each house, unless two-thirds of the house where the same is depending shall dispense with this rule; and every bill, having passed both houses, shall be signed by the speaker of the house of representatives, and by the president of the Senate.

Sec. 24. When any officer, civil or military, shall be appointed by a joint or concurrent vote of both houses, or by the separate vote of ei-

ther house of the general assembly, the votes shall be publicly given *viva voce* and entered on the journals; the whole list of members shall be called, and the names of absentees shall be noted and published with the journal.

Sec. 25. The senators and representatives, in all cases except of treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and for fifteen days next before the commencement, and after the termination of each session; and, for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 26. The members of the general assembly shall severally receive, from the public treasury, a compensation for their services, which may from time to time be increased or diminished by law, but no alteration increasing, or tending to increase, the compensation of members, shall take effect during the session at which such alterations shall be made, and no session shall continue longer than sixty days.

Sec. 27. The general assembly shall direct, by law, in what manner and in what courts, suits may be brought against the State.

Sec. 28. The general assembly shall have no power to pass laws:

First. For the emancipation of slaves without the consent of their owners, or without paying them, before such emancipation, a full equivalent for such slaves so emancipated; and

Second. To prevent *bona fide* immigrants to this State, or actual settlers therein, from bringing from any of the United States, or from their territories, such persons as may there be deemed to be slaves, so long as any persons of the same description are allowed to be held as slaves by the laws of this State.

Third. To pass any law whereby any debt shall be created, other than such debts as may be necessary for the ordinary expenses of the government,—except in cases of insurrection or invasion. But the general assembly may propose, by vote of a majority of all the members elected to both branches thereof, the creation of a debt for any specified purpose, which shall be submitted to the direct vote of the people at the next general election thereafter, and, if approved by a majority of the qualified voters, shall be of full force and effect;—provided that each proposition shall be for one object alone, and every proposition shall be voted on separately by the electors.

They shall have power to pass laws:

First. To prohibit the introduction into this State of any slaves who may have committed any high crime in any other State or Territory.

Second. To prohibit the introduction of any slave for the purpose of speculation, or as an article of trade or merchandise.

Third, To prohibit the introduction into this State, of any slave, or the offspring of any slave, who heretofore may have been, or who hereafter may be imported, from any foreign country, into the United States or any Territory thereof, in contravention of any existing statute of the United States; and,

Fourth, To permit the owners of slaves to emancipate them, (saving the rights of creditors) when the person so emancipating, will give security that the slave so emancipated shall be forthwith removed out of the State.

It shall be their duty, as soon as may be, to pass such laws as may be necessary,

First, To prevent free negroes and mulattoes from coming to, and settling in this State, under any pretext whatever; provided that nothing in this sub-division shall be construed to conflict with the provisions of the first clause of the second section of the fourth Article of the Constitution of the United States;

Second, To oblige the owners of slaves to treat them with humanity, and to abstain from all injuries to them, extending to life or limb.

Sec. 29. In prosecutions for crimes, slaves shall not be deprived of an impartial trial by jury, and a slave convicted of a capital offence, shall suffer the same degree of punishment, and no other than would be inflicted on a free white person for a like offence; and courts of justice before whom slaves shall be tried, shall assign them counsel for their defence.

Sec. 30. Any person who shall maliciously deprive of life, or dismember a slave, shall suffer such punishment as would be inflicted for the like offence, if it were committed on a free white person.

Sec. 31. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, and all Judges of the courts of law and equity, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit, under the State Government.

Sec. 32. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall be on oath or affirmation, to do justice according to law and evidence.

When the Governor shall be tried, the presiding judge of the supreme court shall preside, and no person shall be convicted without the concurrence of a majority of all the Senators elected.

Sec. 33. A State Treasurer shall be elected by the qualified electors of the State, on the first Monday of August 1847, and every four years thereafter. He shall keep his office at the Seat of Government.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of the public money shall be annually published.

Sec. 34. The appointment of all officers not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law, and all officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

Sec. 35. The General Assembly shall meet on the first Monday of November, 1847, and thereafter the General Assembly shall meet once in every two years, and such meeting shall be on the first Monday of November, unless a different day be fixed by law.

Sec. 36. No county, now established by law, shall ever be reduced by the establishment of new counties to less than twenty miles square,

nor shall any county hereafter be established which shall contain less than four hundred square miles.

Sec. 37. Within ten years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested, and promulgated, in such manner as the General Assembly shall direct; and a like revision, digest and promulgation shall be made at the expiration of every subsequent period of ten years.

Sec. 38. The style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Missouri."

Which proposition was read a first time, and ordered to a second reading.

Mr. President announced Mr. Bassett's amendment to section 12, of Article 4, as being under consideration.

On motion the convention adjourned till 3 o'clock, P. M.

EVENING SESSION.

On motion of Mr. Bassett, a call of the convention was ordered, whereupon, the following members, not answering to their names, were noted as absent, to-wit:—

Messrs. Acock and Massey.

Sick—Mr. Woodson.

The absentees being sent for,

On motion of Mr. Slack, all further proceedings, under the call, were dispensed with.

Mr. Bassett's amendment to section 12 of article 4, being under consideration,

Mr. Morrow called for a division of the question, and

The question being on the motion to strike out, was decided in the negative, by ayes and noes, as follows:

AYES—Messrs. Acock, Anderson, Applegate, Bassett, Bevitt, Bunch, Cannon, Davis, Finch, Fulkerson, Gentry, Gibbony, Griffin, Hunt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Neaves, Nickel, Porter, Shields, Simonds, Slack, Stewart, Tong, Wells, Wilcoxson—31.

NOES—Messrs. Alexander, Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Coalter, Ewing, Farquhar, Forshey, Foster, Green, Hickman, Horine, Hunter, Hyatt, Jackson of Randolph, Jones of Scotland, Kincheloe, Leslie, Mitchell, Morrow, Pannell, Pipkin, Pitt, Polk, Simpson, Stone, Thomas, Ward, Wright, Young, and Mr. President—34.

Sick—Mr. Woodson.

So the amendment was disagreed to.

The 12th section of article 4, was then agreed to.

Section 13 was next taken up.

Mr. Tong offered the following amendment:

Strike out all after the words "section 13," and insert the following:

"The Governor shall, at stated times, receive for his services an adequate salary, to be fixed by law, which shall neither be increased nor diminished during his continuance in office, and shall never exceed fifteen hundred dollars per annum."

The question being upon agreeing to the amendment, was decided in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Bassett, Buford, Bunch, Campbell, Cannon, Finch, Fulkerson, Griffin, James, Jones of Newton, McHenry, Morrow, Nickel, Pannell, Porter, Simonds, Stewart, Tong, and Wilcoxson—20.

NOES—Messrs. Acock, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Brown, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Gibbony, Green, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Neaves, Pipkin, Pitt, Polk, Shields, Simpson, Slack, Thomas, Ward, Wells, Wright, Young, and Mr. President—44.

Absent—Mr. Stone.

Sick—Mr. Woodson.

Mr. McHenry moved to amend the 13th section, by adding the following, to wit:

"And shall never exceed dollars per annum."

Mr. Polk moved to amend the amendment by substituting in lieu thereof, the words,

"And which shall never be less than two thousand dollars."

On motion of Mr. Young, the amendment and the amendment thereto, were laid on the table.

Mr. President moved to amend section 13, by inserting after the word "diminished," the words "after his election and."

Which amendment was adopted; and

Sec. 13, as amended, was then agreed to.

Sections 14 and 15 were then taken up and agreed to.

Sec. 16, was next taken up.

Mr. Young moved to amend by adding to the end of section 16, the following, to wit:

"And if at any time the president of the Senate or speaker of the house of representatives shall be the acting governor, another presiding officer shall be chosen in his place, by the body over which he presided."

Which amendment was agreed to.

Sec. 16, as amended, was then also agreed to.

Sec. 17, 18, 19 and 20, were next taken up and agreed to.

Sec. 21, was then taken up.

Mr. Polk moved to amend by striking out the words "for four years,"

and inserting in their place the words "during the continuance in office of the Governor appointing him, and until his successor shall be duly qualified."

Which amendment was agreed to; and

Sec. 21, as amended, was then also agreed to.

Sec. 22, was also agreed to.

Sec. 23, was then taken up.

Mr. Neaves moved to strike out all that part of section 23 which renders a sheriff ineligible four years in every period of eight years.

Which motion was disagreed to.

Sec. 23, was then agreed to.

Sec. 24, being next taken up.

Mr. Stewart moved to amend by striking out all after the words "Sec. 24" and inserting the following, to wit:

"Whenever vacancies shall happen in the office of sheriff or coroner, the judges of the tribunal transacting county business, or a majority of them, shall, as soon as may be, cause an election to be held to fill such vacancy, giving fifteen days previous notice thereof,—said judges having the power, in the meantime, of making temporary appointments; and the person elected shall continue in office until his successor is duly qualified. Nevertheless, if such vacancy shall happen within six months of the end of the term for which the late sheriff or coroner shall have been elected or appointed, the said judges, or a majority of them, may, in their discretion, order such election, or fill such vacancy by appointment; and the sheriff or coroner so elected or appointed, shall not thereby be rendered ineligible for the next succeeding term.

The question being on the adoption of the amendment; was decided in the affirmative by ayes and noes, as follows:

AYES—Messrs. Acock, Anderson, Applegate, Bassett, Bevitt, Branstetter, Brooking, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gentry, Green, Griffin, Horine, Hunt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Neaves, Nickel, Pannell, Pitt, Porter, Shields, Simonds, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, Young and Mr. President—42.

NOES—Messrs. Alexander, Broadhead, Brown, Buford, Campbell, Cannon, Ewing, Forshey, Foster, Gibbony, Hickman, Hunter, Hyatt, Jackson of Randolph, Marmaduke, McHenry, Mitchell, Morrow, Pipkin, Polk, Simpson, and Wright—22.

Absent—Mr. Stone.

Sick—Mr. Woodson.

Sec. 24, as amended, was then agreed to.

Sec. 25, was next taken up and agreed to.

The 4th Article was then directed to be engrossed and ordered to a third reading.

On motion the Convention adjourned.

MONDAY MORNING, DECEMBER 1.

On motion of Mr. Broadhead, it was

Resolved, That the Secretary of State be requested to furnish each member of the Convention with the journals of the last General Assembly.

Mr. Coalter offered the following resolution :

Resolved, That the Convention will hereafter meet at nine o'clock in the morning, and sit until four in the evening, without recess ;

Which was disagreed to.

Mr. Finch introduced the following resolution :

Resolved, That the Secretary and his assistant, shall not deliver a copy of the journals of this Convention to the Public Printer, until the same shall be corrected by the Convention.

Mr. Jones of Newton, moved to amend, by adding,

"And that the committee on Printing shall compare the copy furnished by the Secretary with the journal, before it is furnished to the printer."

Mr. Ward moved to lay both the resolution and the amendment on the table ;

Which motion was rejected.

Mr. Finch then accepted the amendment of Mr. Jones of Newton, and the resolution, as amended, was agreed to.

Mr. Simpson offered the following resolution, to wit :

Resolved, That this Convention will, from and after the adoption of this resolution, hold night sessions, commencing at half-past six o'clock, and continuing until half-past nine o'clock, P. M., for the purpose of expediting the proceedings of said Convention.

Mr. Hunter moved to lay the resolution on the table.

The question being on the adoption of the motion to lay on the table, was decided in the negative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Anderson, Branstetter, Broadhead, Brown, Buford, Cannon, Davis, Farquhar, Finch, Gibbony, Green, Griffin, Hunter, Jones of Scotland, Kincheloe, Leslie, Pannell, Pipkin, Pitt, Polk, Shields, Simonds, Stone, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—30.

NOES—Messrs. Acock, Applegate, Bassett, Bevitt, Brooking, Bunch, Campbell, Coalter, Forshey, Foster, Fulkerson, Gentry, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Simpson, Slack, Stewart, Thomas, and Tong—33.

Sick—Messrs. Ewing, Porter, and Woodson.

The question recurring on agreeing to Mr. Simpson's resolution, was decided in the negative, by ayes and noes, as follows :

AYES—Messrs. Acock, Applegate, Bevitt, Brooking, Coalter, Forshey, Fulkerson, Hickman, Horine, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Simpson, Slack, Thomas, and Tong—26.

NOES—Messrs. Alexander, Anderson, Bassett, Branstetter, Broadhead, Brown, Bunch, Campbell, Cannon, Davis, Farquhar, Finch, Foster, Gentry, Gibbony, Green, Griffin, Hunt, Hunter, Jones of Scotland, Kinche-loe, Leslie, Pannell, Pipkin, Pitt, Polk, Shields, Simonds, Stewart, Stone, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—36.

Absent—Mr. Buford.

Sick—Messrs. Ewing, Porter, and Woodson.

Mr. McHenry offered the following resolution, to wit :

Resolved, That the journal of the Convention of Saturday, the 29th ultimo, be so amended that the motion of the gentleman from Newton to fill the blank with “two thousand dollars,” in an amendment offered by the gentleman from Bates ; also, the motion of the gentleman from Scott to fill the blank with “three thousand dollars,” shall both appear upon the journal.

Which motion was, on motion of Mr. Hunter, laid on the table.

Mr. Massey moved to amend the 6th Rule, by preceding it, as it now stands, with the following :

“All motions, of whatever character, submitted to this Convention, and which shall be deemed to have been in the possession of the Convention, shall be put upon the journal ;”

Which was, on motion of Mr. Broadhead, laid on the table.

The committee on Internal Improvements, by Mr. Shields, their chairman, submitted a report, recommending a proposition in lieu of article 7.

The report was received, and the proposition was read a first time and ordered to a second reading, and is as follows, to wit :

ARTICLE VII.

Internal Improvements.

Sec. 1. Internal Improvements shall forever be encouraged by the government of this State ; and the General Assembly shall take measures to preserve from loss, waste, or damage, all lands or moneys that have been, or that may hereafter be, granted to this State by the United States for purposes of Internal Improvement ; and shall apply all such funds, and the proceeds of all such lands, in strict conformity to the object of the grant ; and shall, in like manner, apply all funds accruing to the State from any source whatever for purposes of Internal Improvement.

Sec. 2. No moneys or lands shall be appropriated to objects of Inter-

nal Improvement, until the General Assembly shall make provision by law for an economical and specific application of all such appropriations.

Mr. President announced the proposition reported by the committee on Militia, in lieu of article 9, as being under consideration.

Whereupon, sections 1, 2, and 3 were taken up and agreed to.

Mr. Ward offered the following, as a substitute for the whole proposition, to wit:

ARTICLE IX.

Of the Militia.

Sec. 1. Field officers and company officers shall be elected by the persons subject to militia duty, within their respective commands.— Brigadiers General shall be elected by the field officers of their respective brigades, and Majors General by the Brigadiers and field officers of their respective divisions, until otherwise directed by law.

Sec. 2. General and field officers shall appoint their officers of the staff.

Sec. 3. The Governor shall appoint an Adjutant General and all other militia officers whose appointments are not otherwise provided for in this Constitution.

Objections being made to which, the question was on the rejection thereof, and was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bassett, Bevitt, Buford, Bunch, Cannon, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pitt, Shields, Simonds, Simpson, Slack, Stewart, Thomas, and Tong—37.

NOES—Messrs. Branstetter, Broadhead, Brooking, Brown, Campbell, Coalter, Davis, Farquhar, Forshey, Foster, Gentry, Gibbony, Hickman, Hunter, Hyatt, Leslie, Marmaduke, Pipkin, Polk, Stone, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—26.

Sick—Messrs. Ewing, Porter, and Woodson.

Mr. Campbell offered the following as a substitute for the whole proposition, to wit:

ARTICLE IX.

§ 1. "The General Assembly shall, from time to time, pass such laws

as may be necessary and proper for the organization and government of the militia."

Which was objected to.

And the question being on rejecting the same, was decided in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Bevitt, Branstetter, Bunch, Finch, Fulkerson, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, and Wilcoxson—19.

NOES—Messrs. Acock, Anderson, Applegate, Bassett, Broadhead, Brooking, Brown, Buford, Campbell, Cannon, Coalter, Davis, Farquhar, Forshey, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunter, Hyatt, Jones of Franklin, Jones of Scotland, Leslie, Marmaduke, Massey, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Wright, Young, and Mr. President—44.

Sick—Messrs. Ewing, Porter and Woodson.

The substitute was then read a second time.

Mr. Massey moved to amend by adding the following, to wit:

"But no citizen, unless he be an officer, shall be required to do military duty, except in time of actual or threatened war, insurrection, or invasion."

The question being on agreeing to the amendment to the substitute, was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Anderson, Applegate, Bassett, Bevitt, Broadhead, Brown, Bunch, Campbell, Coalter, Davis, Finch, Forshey, Foster, Fulkerson, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Polk, Shields, Slack, Stewart, Thomas, Tong, and Wright—37.

NOES—Messrs. Alexander, Branstetter, Brooking, Buford, Cannon, Farquhar, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunter, Hyatt, Leslie, Morrow, Pipkin, Pitt, Simonds, Simpson, Stone, Ward, Wells, Wilcoxson, Young, and Mr. President—26.

Sick—Messrs. Ewing, Porter and Woodson.

On motion,

The Convention adjourned till 3 o'clock, P. M.

EVENING SESSION.

Mr. Stone moved to amend the substitute, as amended, by striking out all after the words "Article 9," and inserting the following, to wit:

Sec. 1. The General Assembly shall, from time to time, pass such laws as shall be necessary for the organization and government of the militia.

Which was disagreed to.

Mr. Jones of Newton, moved to amend by striking out all after the words "Article 9," and inserting the following:

Sec. 1. Field officers, company officers, brigadiers general, and majors general, shall be elected by the persons subject to military duty within their respective commands.

Sec. 2. General and field officers shall appoint their officers of the staff.

Sec. 3. The Governor shall appoint and adjutant general, and all other officers whose appointments are not otherwise provided for in this constitution.

Sec. 4. The Legislature may, from time to time, prescribe such further regulations as may be necessary for the organization and government of the militia.

Which amendment was rejected.

The question recurred on the adoption of the substitute of Mr. Campbell, as amended by Mr. Massey, and was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Acock, Anderson, Applegate, Bassett, Bevitt, Broadhead, Brown, Buford, Campbell, Finch, Forsey, Foster, Fulkerson, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Neaves, Nickel, Polk, Shields, Stewart, Thomas, Tong, and Wright—28.

NOES—Messrs. Alexander, Branstetter, Bunch, Cannon, Coalter, Davis, Farquhar, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, James, Jones of Newton, Leslie, Mitchell, Morrow, Pannell, Pipkin, Pitt, Simonds, Simpson, Slack, Stone, Ward, Wells, Wilcoxson, Woodson, Young and Mr. President—35.

Sick—Messrs. Brooking, Ewing and Porter.

Mr. Wright then moved to amend by striking out the whole Article, and inserting the following, to wit:

ARTICLE IX.

Sec. 1. The power to provide by law for the organization and government of the militia, shall be vested in the General Assembly.

Which amendment was agreed to.

Article IX, as amended, was then directed to be engrossed and ordered to a third reading.

The propositions introduced by Mr. President, on Monday the 24th of November, recommending certain alterations in the 3rd, 4th, 6th,

8th, 10th, and 13th, Articles of the present Constitution, was then taken up and read a second time, and on motion, were laid on the table.

Mr. Ward moved to adjourn.

Rejected.

On motion of Mr. Shields,

The proposition reported by the committee on the Declaration of Rights, to stand in lieu of Article 13 of the present Constitution, was then, by general consent, taken up and read a second time.

Mr. Acock moved to dispense with the rule requiring propositions to be read and considered section by section.

Which motion was disagreed to.

Sections 1, 2, 3, and 4 were then taken up and agreed to.

Section 5 was next taken up; and

Mr. Campbell offered the following amendment as an addition thereto, to wit:

No religious sect or society should be permitted to accumulate, or hold in mortmain, large bodies of land or other property, and all extensive ecclesiastical perpetuities are dangerous to liberty.

Which amendment was agreed to.

Mr. Bevitt moved to amend section 5, as amended, by adding the following:

"Provided, that persons, members of religious societies, may be incorporated for the purpose of holding land, not to exceed four acres, upon which to erect a church or meeting house, parsonage, and burial ground, for the benefit of the society."

Mr. Campbell moved to amend the amendment, by striking out all after the word "provided," and inserting the following, to wit:

"Any religious congregation or society may, in good faith, hold sufficient ground for the purpose of building a church thereon, and for a burial ground, but the title thereof shall always be vested in the actual lay members of such congregation who reside in the vicinity, and shall never be vested in the clergy nor in any ecclesiastical body, and shall never be used for any other purpose; and it shall be the duty of the Legislature to provide effectually, by law, against abuses and evasions of this privilege."

Section 5 as amended, and the proposed amendments thereto, were then passed over, by general consent, till to-morrow.

Sections 6, 7, and 8, were next taken up and agreed to.

Section 9 was then taken up; which

Mr. President moved to amend by striking out the words "of the vicinage."

Agreed to.

Section 9, as amended was then agreed to.

On motion, the Convention adjourned.

TUESDAY MORNING, DECEMBER 2.

Mr. Acock offered the following resolutions:

Resolved, 1st, That hereafter, during this session, this Convention will hold night sessions, commencing at six o'clock in the evening, for the purpose of entertaining subjects of debate.

2d. That during the day, any subject of debate may be postponed to the night session, but no final vote shall be taken on any subject during the night session.

Mr. Wells moved to lay the resolutions on the table.

And the question being on agreeing thereto, was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Bevitt, Branstetter, Broadhead, Brown, Buford, Cannon, Farquhar, Foster, Fulkerson, Gentry, Gibbon, Green, Griffin, Hickman, Hunter, Jones of Scotland, Kincheloe, Leslie, Morrow, Pannell, Pipkin, Pitt, Polk, Shields, Slack, Stone, Wells, Wilcoxson, Wright, and Mr. President—32.

NOES—Messrs. Acock, Applegate, Brooking, Bunch, Campbell, Davis, Finch, Forshey, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Massey, McHenry, Mitchell, Neaves, Nickel, Porter, Simonds, Simpson, Stewart, Thomas, Tong, Woodson, and Young—29.

Absent—Messrs. Bassett, Coalter, and Ward.

Sick—Messrs. Ewing and Marmaduke.

Section 10 of Article 13, as proposed by the committee on the Declaration of Rights, was announced by Mr. President as being under consideration; and

Mr. Leslie moved to amend by adding after the word "jury," in the second line, the words "of felony or other crime or misdemeanor;" and after the word "jeopardy," in the second line, strike out the words "of life or limb," and insert the words "of life, limb, or liberty."

Which amendments were read a first and second time, and agreed to.

Mr. Green offered the following amendment, which was read a first and second time, to wit:

Strike out the words "at the end of the term," and insert in lieu thereof "or for other good cause."

Mr. Coalter called for a division of the question; and

The question being on striking out, was decided in the affirmative.

The question was then on inserting, and was determined in the negative.

Section 10, as amended, was then agreed to.

Sections 11, 12, 13, 14, and 15, were next agreed to.

Section 16 was taken up; which

Mr. Foster moved to amend by adding after the word "subject," the words "provided that every accusation published against any citizen shall be printed in the English language."

Which amendment was, on motion of Mr. Jones of Newton, laid on the table.

Section 16 was then agreed to.

Section 17 was taken up.

Mr. Slack moved to amend by striking out all after the word "debt" in the third line.

Mr. Wells moved to amend the amendment by adding the following:

"Provided, that the Legislature shall have power to pass such laws to punish fraud, as that body may deem expedient."

Mr. Polk moved to lay the amendment, and the amendment to the amendment, on the table.

The question being on laying on the table, was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Broadhead, Brooking, Brown, Buford, Campbell, Cannon, Coalter, Davis, Farquhar, Forshey, Fulkerson, Gentry, Gibbony, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Leslie, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Pitt, Polk, Simpson, Stone, Thomas, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President—43.

NOES—Messrs. Acock, Branstetter, Bunch, Finch, Foster, Green, Griffin, Horine, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Neaves, Porter, Shields, Simonds, Slack, Stewart, and Tong—21.

Sick—Messrs. Ewing and Marmaduke.

Mr. Jones of Newton, moved to amend by striking out from the word "debt" to the end of the section inclusive, and insert "except in cases of fraud."

Which amendment was, on motion of Mr. Bassett, laid on the table.

Section 17 was then agreed to.

Section 18 was taken up; which

Mr. James moved to amend as follows:

After the word "duty" in the sixth line, strike out the word "or;" and, in the 7th line, after the word "arms," insert the words "or work on roads."

Which amendment was, on motion of Mr. Thomas, laid on the table.

Mr. Branstetter moved to amend by striking out the words "pay an equivalent for military services," and insert the words "furnish an able-bodied substitute."

Which amendment was disagreed to.

Section 18 was then agreed to.

Section 19 was taken up; which

Mr. Alexander moved to amend, by adding

"And no tax shall be imposed on licenses, except an *ad valorem* on the stock in trade, at the same rate that other property may be taxed at for the time being; provided, that on licenses to auctioneers, to brokers and exchange dealers, and on licenses to ferry keepers, there may be such taxes imposed as may be thought necessary and proper.

Mr. Campbell moved to amend the amendment by inserting after the word "dealers" the words "retailers of liquors."

Which was agreed to.

Mr. Wells moved to amend the amendment as amended, by striking out the word "provided," and all that follows it in the amendment."

On motion,

The Convention adjourned till half past Two o'clock, P. M.

EVENING SESSION.

The question being on agreeing to the amendment to the amendment, as amended, was determined in the negative.

Mr. Campbell then offered the following amendment to the amendment, as amended, to wit:

Strike out the amendment, as amended, and insert in lieu thereof the following:

"Persons engaged in the business of buying and selling goods, wares, and merchandize, shall only be taxed therefor in proportion to the amount of stock which they have invested in trade, and at the same rate that other property shall be taxed for the time being; but this shall not prevent the General Assembly from imposing taxes as a means of restraining such branches of business as have a demoralizing influence on society, or are pernicious to the public welfare."

Mr. Stone moved to lay the amendment, as amended, and the amendment thereto, on the table.

The question was upon agreeing to the motion to lay on the table, and was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Anderson, Branstetter, Broadhead, Brooking, Brown, Bunch, Cannon, Davis, Farquhar, Finch, Forshey, Gentry, Green, Griffin, Hickman, Hunt, Hunter, Jackson of Howard, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Wilcoxson, Woodson, and Mr. President—38.

NOES—Messrs. Alexander, Applegate, Bevitt, Buford, Campbell, Foster, Fulkerson, Gibbony, Horine, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Pipkin, Pitt, Shields, Tong, Ward, Wells, Wright, and Young—24.

Absent—Mr. Bassett.

Sick—Messrs. Coalter, Ewing, and Marmaduke.

Section 19 was then agreed to.

Sections 20, 21, and 22 were next taken up and agreed to.

Mr. Applegate moved to amend the proposition, by inserting the following as an additional section, to be called "section 23," to wit:

Section 23. The punishment of death shall never be inflicted.

The question being upon the adoption of which, was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Applegate, Campbell, Horine, and Slack—4.

NOES—Messrs. Acock, Alexander, Anderson, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Cannon, Davis, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President—58.

Absent—Mr. Bassett.

Sick—Messrs. Coalter, Ewing, and Marmaduke.

Section 23 was then taken up and agreed to.

Section 5, and the amendments thereto, were taken up.

Mr. Campbell withdrew his amendment to the amendment of Mr. Bevitt, and moved to amend the amendment, by substituting in lieu thereof, the following, to wit:

"Any religious congregation or society may, in good faith, hold a lot for the purpose of building a church thereon, not to exceed one acre in

extent,—for a burial-ground, not to exceed eight acres in extent,—and for a parsonage, not to exceed twenty acres in extent; but the title to such property shall always be and continue vested in the actual lay members of such congregation or society, who reside in the vicinity thereof, and shall never be vested in the clergy, nor in any number or body of ecclesiastics, and such property shall be held for the purposes above indicated, and shall never be held for the purposes of gain, business, or speculation; and it shall be the duty of the General Assembly to provide effectually against abuses and evasions of the privileges above granted. The General Assembly shall have power to prescribe, by law, the manner in which such congregations or societies may be named and organized; the mode in which conveyances to and from them may be effected; and the manner in which they may establish rules and bye-laws, and express their will, for the control and management of such property.”

The question being upon the adoption of which, was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Branstetter, Broadhead, Brooking, Campbell, Coalter, Gentry, Green, Hickman, Hunter, Hyatt, Jones of Franklin, Jones of Scotland, Kincheloe, Neaves, Porter, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Wright, and Young—24.

NOES—Messrs. Acock, Alexand^r, Applegate, Bevitt, Brown, Buford, Bunch, Cannon, Davis, Farquhar, Finch, Forshey, Foster, Fulkerson, Gibbony, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Leslie, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Slack, Stewart, Woodson, and Mr. President—39.

Absent—Mr. Bassett.

Sick—Messrs. Ewing and Marmaduke.

Mr. Hunt moved to amend the amendment of Mr. Bevitt, by striking out all thereof, and inserting the following, to wit:

Provided, That any religious society may hold, in any assumed name, so much land as may be necessary for a house and buildings for public worship,—for a parsonage, and for a burying ground, and for no other purpose whatever.

Which amendment was agreed to.

Mr. Polk moved to amend section 5, as amended, by adding thereto the following, to wit:

“And provided, that nothing in this section shall ever be construed to divest any right or title heretofore vested.”

Which was agreed to.

Section 5, as amended, was then agreed to.

On motion, the Convention adjourned.

WEDNESDAY MORNING, DECEMBER 3.

Mr. Hunt offered the following resolutions :

Resolved, That it is the sense of this Convention that the present judicial system be retained, with the following changes :

1st. That the judges of the supreme court shall be elected by the qualified electors of the State, for a limited term.

2nd. That the judges of the circuit court be elected by the qualified electors of their circuits respectively, and for a limited term.

3rd. That there shall be established in each county a probate court to transact probate business.

4th. That there shall also be a court established in each county, distinct from the probate court, to transact county business.

5th. That the Judiciary committee be instructed to report a plan in conformity herewith.

Mr. Ward moved that these resolutions, together with those proposed by Mr. Leslie on the same subject, be made the order of the day for Tuesday next.

Mr. Morrow moved that they be made the order of the day for tomorrow.

The question being on agreeing to Mr. Ward's motion, was decided in the affirmative.

On motion of Mr. Campbell, it was

Resolved, That the Secretary be directed to furnish the Public Printer with copies of the communications and other documents required to be printed in the appendix of the journal.

On motion of Mr. Jones of Newton, it was

Resolved, That the Secretary of State be requested to furnish to the Convention, an abstract of the electoral vote polled at the November election, A. D. 1844.

The committee on the Permanent Seat of Government, by Mr. Morrow, their chairman, submitted a report, recommending a proposition in lieu of Article XI, to wit:

ARTICLE XI.

The Seat of Government is hereby permanently established at the City of Jefferson, in the county of Cole.

The report was received, and the proposition read a first time and ordered to a second reading.

Mr. Thomas submitted a report from a minority of the committee on the Permanent Seat of Government,

Which was received.

Mr. Forshey, from the committee who were instructed to inquire into the propriety, practicability, cost, &c. of employing a competent reporter for this Convention, reported that they had found it impracticable to procure the services of a competent reporter.

Which report was received.

Mr. McHenry offered the following proposition as an additional article to the Constitution, to wit:

WHEREAS, Ministers of the Gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions—therefore,

Sec. 1. No minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the Legislature.

Sec. 2. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

Sec 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise in such manner as the Legislature may prescribe.

Which proposition was read a first time, and, the second reading being dispensed with, referred to the committee on Miscellaneous Provisions

Mr. Shields moved a reconsideration of the 18th section of the 13th Article ;

Which was agreed to.

Whereupon, Mr. James offered the following amendment, to wit :

In the 6th line, after the word "duty," strike out the word "or," and in the 7th line, after the word "arms," insert "or work on roads."

Which was agreed to.

The question being then on agreeing to Article 13, was determined in the affirmative.

Mr. Ward moved to amend the article by adding thereto, as section 24, the following, to wit :

"Sec. 24. That all persons, in the pursuit of happiness, have the unquestionable right of pursuing such avocations as they may see fit, and of selling or otherwise disposing of the proceeds of their labor, in such manner as they may choose, provided they do not invade the rights of others."

Mr. Broadhead moved to amend the amendment, by adding thereto the words "or conflict with the public good."

Mr. Griffin moved to commit the amendment, and the amendment thereto, to a committee of the Whole;

Which motion was rejected.

Mr. Thomas moved to amend the amendment to the amendment, by striking out the words "public good," and inserting the words "general welfare."

Which amendment was accepted by Messrs Broadhead and Ward.

Mr. Applegate moved to amend the amendment, as amended, by striking out all after the words "Section 24," and inserting the following, to wit :

"The Legislature shall have no power to impose any restraint upon

trade, except for the purpose of suppressing vice or immorality ; but all persons shall be free to engage, without restraint, in any business or pursuit not demoralizing in its character."

Mr. Forshey moved to lay the amendment, as amended, and the amendment thereto, on the table.

The question being upon agreeing to which motion, was decided in the negative, by ayes and noes, as follows :

AYES—Messrs. Acock, Branstetter, Broadhead, Brooking, Buford, Bunch, Farquhar, Forshey, Gentry, Green, Hunt, Hunter, Hyatt, Jackson of Howard, Jones of Franklin, Jones of Scotland, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Pannell, Polk, Porter, Shields, Simonds, Simpson, Slack, Thomas, Woodson, and Mr. President—32.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Brown, Campbell, Coalter, Davis, Ewing, Finch, Foster, Fulkerson, Gibbony, Griffin, Hickman, Horine, Jackson of Randolph, James, Jones of Newton, Kincheloe, Nickel, Pipkin, Pitt, Stewart, Stone, Tong, Ward, Wells, Wilcoxson, Wright, and Young—32.

Absent—Mr. Cannon.

Sick—Mr. Marmaduke.

Mr. Acock moved to commit the amendment, as amended, and the amendment thereto, to a committee of the Whole;

Which motion was disagreed to.

The question being on agreeing to the amendment of Mr. Applegate, was decided in the negative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Applegate, Bassett, Bevitt, Campbell, Coalter, Davis, Ewing, Finch, Forshey, Foster, Gibbony, Griffin, Horine, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Pitt, Shields, Simonds, Thomas, Tong, Wells, and Young—28.

NOES—Messrs. Acock, Anderson, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Farquhar, Fulkerson, Gentry, Green, Hickman, Hunt, Hunter, Jackson of Howard, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Simpson, Slack, Stewart, Stone, Ward, Wilcoxson, Woodson, Wright, and Mr. President—36.

Absent—Mr. Cannon.

Sick—Mr. Marmaduke.

Mr. Ward moved to amend the amendment, as amended, by striking out the words "or conflict with the public welfare."

Mr. Hunter moved to lay the amendment, as amended, and the amendment thereto, on the table.

The question being upon agreeing to which motion, was decided in the affirmative, as follows :

AYES—Messrs. Acock, Branstetter, Brooking, Buford, Bunch, Coalter, Finch, Forshey, Fulkerson, Gentry, Green, Griffin, Hunt, Hunter, Jackson of Howard, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Wilcoxson, Woodson, and Mr. President—37.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Broadhead, Brown, Campbell, Davis, Ewing, Farquhar, Foster, Gibbony, Hickman, Horine, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Stone, Ward, Wells, Wright, and Young—27.

Absent—Mr. Cannon.

Sick—Mr. Marmaduke.

Mr. Wells moved to amend Article 13, by adding the following, as an additional section, to wit :

Sec. 24. The only legitimate sources of taxation, are persons and property, and the ordinary revenues of the State should arise exclusively from a moderate capitation tax, and from an *ad valorem* tax on property ; *provided*, that fines and forfeitures may properly be imposed to prevent vice and crime, and may be applied to revenue purposes.

Which amendment was, on motion of Mr. Broadhead, laid on the table.

On motion of Mr. James, the vote on Section 9, as amended, was reconsidered; whereupon, Mr. Wright moved to amend, as follows, to wit:
After the word "jury," add the words "of the vicinage."

On motion,

The convention adjourned till 3 o'clock, P. M.

EVENING SESSION.

The question being on agreeing to Mr. Wright's amendment to section 9, was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Branstetter, Broadhead, Brooking, Buford, Campbell, Cannon, Coalter, Davis, Ewing, Finch, Forshey, Foster, Fulkerson, Gibbony, Green, Griffin, Hickman, Horine, Hyatt, James, Jones of Franklin, Jones of Scotland, Kincheloe, McHenry, Neaves, Nickel, Pannell, Pipkin, Pitt,

Shields, Simpson, Slack, Stewart, Ward, Wells, Wilcoxson, Woodson, and Wright—42.

NOES—Messrs. Bevitt, Brown, Farquhar, Gentry, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, Jones of Newton, Leslie, Massey, Mitchell, Morrow, Polk, Porter, Simonds, Stone, Thomas, Tong, Young, and Mr. President—21.

Absent—Mr. Bassett.

Sick—Messrs. Bunch and Marmaduke.

Section 9, as amended, was then agreed to.

Mr. Foster moved to amend Article 13, by adding to the 24th section the following, to wit:

Sec. 24. It shall not be lawful to imprison witnesses as a means of securing their attendance in criminal cases, unless they be accomplices, accessories, or abettors of the accused.

Which amendment was rejected.

Article 13 was then ordered to be engrossed and read a third time.

On motion of Mr. Polk, the proposition reported by the committee on Legislative Power, in lieu of Article 3, was made the order of the day for to-morrow.

On motion, the regular order of business was passed over, and

The proposition reported by the committee on Boundaries, in lieu of Article 1, was taken up and read a second time.

Mr. Anderson moved to amend said article as follows, to wit:

Between the words "thence" and "to" in the 12th line, insert the following:

"From the point aforesaid, north, along the said meridian line."

Which amendment was agreed to.

Article 1, was then agreed to.

Mr. Campbell moved to add as a second section, the following, to wit:

Section 2. "All that portion of the territory of the State of Missouri, which is bounded on the east by the middle of the main channel of the Mississippi river, on the north by the line that separates townships forty-four and forty-five north, on the west by the line that separates ranges five and six, east of the fifth principal meridian, and on the south by the line that separates townships forty-three and forty-four north, is hereby ceded and transferred in full sovereignty to the United States of America; for the purpose of locating and keeping thereon the Seat of Government of the United States, in conformity to the sixteenth clause of the seventh section of the Constitution of the United States. This section shall not take effect until the Congress of the United States shall have assented to the same, and provided for the removal of the Seat of Government of the United States to some place within the district hereby ceded and transferred to the United States."

Which amendment was rejected.

Mr. Polk moved to amend Article 1, by adding thereto the following, to wit:

Sec. 2. The General Assembly shall have power, with the consent of the United States, to acquire additional territory, and to extend the boundary of this State, so as to include such additional territory as may hereafter be acquired by the State.

Which amendment was agreed to.

The proposition was then directed to be engrossed, and ordered to a third reading.

The Ordinance, reported by the committee on Boundaries, proposing on extension of the South-western boundary of this State, was next taken up, by general consent, and read a second time.

Mr. McHenry moved to amend the Ordinance, by striking out all after the words "the main channel of Spring river," and inserting, in lieu thereof, the following:

"To some point within four miles of the west line of the State; thence north, parallel with said line, to the Kansas river; thence, down the main channel of said river to the present western line of the State; thence with the same to the beginning, to include all that territory west of the west line of the State, and included in the above named bounds."

Mr. Jones of Newton, moved to refer the amendment to the committee on Boundaries.

Mr. Simpson moved to lay the ordinance, and the amendment thereto, on the table.

Mr. Jones of Newton, called for a division of the question.

The question being first on laying the amendment on the table, was decided in the affirmative.

The question was then on laying the ordinance on the table.

Which was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Branstetter, Broadhead, Brooking, Brown, Buford, Farquhar, Gentry, Griffin, Jackson of Randolph, Leslie, Pipkin, Simpson, Thomas, and Wells—14.

NOES—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Campbell, Cannon, Coalter, Davis, Ewing, Finch, Forshey, Foster, Fulkerson, Gibbony, Green, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Shields, Simonds, Slack, Stewart, Stone, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President—48.

Absent—Messrs. Bassett, and Pitt.

Sick—Messrs. Bunch and Marmaduke.

The Ordinance was then ordered to be engrossed.

On motion,

The Convention adjourned.

THURSDAY MORNING, DECEMBER 4.

The committee on the Mode of Amending the Constitution, by Mr. Wells, their chairman, submitted a report, recommending a proposition in lieu of the 12th Article of the present Constitution.

Which report was received, and the proposition was read a first time and ordered to a second reading, and is as follows, to wit :

ARTICLE XII.

It shall be the duty of the several officers in this State, who shall make out poll-books, for the general election in the year —, and every — years thereafter, in addition to the columns required by law to be put on said poll-books, to put in each a column headed "*For altering the Constitution,*" and another headed "*Against altering the Constitution ;*" and it shall be the duty of the officers conducting said elections, to take the vote of each voter for and against such alteration, and to have the same recorded in the appropriate column. When said poll-books are returned to the officer authorized by law to receive them, said officer shall make out and forward to the Secretary of State, within five days after he receives said poll-books, an abstract of the votes given for and against said alteration in their respective counties, cities, or districts, in the same manner as the votes for Governor and Lieutenant Governor.

The Secretary of State shall, as soon as he receives said returns, make out and deliver to the Governor a full abstract of the votes so given for and against such alteration. If a majority of the votes thus given be for an alteration, the Governor shall immediately issue his proclamation for an election of delegates to a Convention, to be held at some convenient time after the meeting of the next Legislature of the State ; and the Legislature shall, by law, at its next session, make all necessary arrangements for the election of delegates to said Convention, on the basis of representation prescribed in this Constitution, and for the sitting of said Convention and pay of its members.

The committee on Miscellaneous Provisions, by Mr. Jones of Newton, their chairman, submitted a report, recommending the adoption of the following proposition, to wit :

ARTICLE II.

Of the distribution of Powers.

The powers of government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy ; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

The report was received, and the proposition was read a first time and ordered to a second reading.

The proposition reported by the committee on Legislative Power, to stand in lieu of Article 3 of the present Constitution, being the special order of the day, was taken up and read a second time.

Section 1 was taken up and agreed to.

Section 2 was then taken up,

Which Mr. Tong moved to amend, by adding thereto the following words, to wit:

“And fifty, and each county shall have one representative.”

Which was read a first time, and, objections being made,

The question was “shall the amendment be rejected?”

Mr. Bassett called for a division of the question.

Mr. Acock objected to a division of the question on rejection, as being out of order.

Mr. President decided that it was in order.

From which decision, Mr. Acock appealed to the Convention.

Whereupon, the question was,

“Shall the decision of the President stand as the judgment of the Convention?”

And was determined in the affirmative.

The question was now on the rejection of the words “and fifty;”

And was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Bassett, Bevitt, Broadhead, Brooking, Brown, Campbell, Cannon, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jones of Franklin, Leslie, Marmaduke, Massey, Mitchell, Morrow, Pannell, Pipkin, Pitt, Polk, Shields, Simpson, Stone, Thomas, Ward, Wells, Woodson, Wright, Young, and Mr. President—42.

NOES—Messrs. Acock, Applegate, Branstetter, Buford, Bunch, Finch, Fulkerson, Gibbony, Green, Griffin, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, McHenry, Neaves, Nickel, Porter, Simonds, Slack, Tong, and Wilcoxson—23.

Absent—Mr. Stewart.

The question was then on rejecting the words,

“And each county shall have one representative.”

And was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Bevitt, Branstetter, Broadhead, Brooking, Brown, Campbell, Cannon, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jones of Franklin, Leslie, Marmaduke, Mitchell, Morrow, Pannell, Pitt, Polk, Porter, Shields, Simpson, Stone, Thomas, Ward, Wells, Woodson, Wright, Young and Mr. President—40.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Buford, Bunch, Finch, Fulkerson, Gibbony, Green, Griffin, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Neaves, Nickel, Pipkin, Simonds, Slack, Tong, and Wilcoxson—25.

Absent—Mr. Stewart.

Mr. Acock moved to strike out the second and third sections, and insert in their stead the following, to wit:

“The House of Representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties. The number of representatives shall never exceed one for every three thousand free white males, but every county shall have at least one representative.”

Mr. President announced a communication from the Secretary of State, relative to the electoral vote polled at the November election, A. D. 1844, in answer to a call of the Convention.

On motion,

The Convention adjourned till 3 o'clock, P. M.

EVENING SESSION.

The President announced the resolution of Mr. Acock as being the subject under consideration.

On motion, the Convention adjourned.

FRIDAY MORNING, DECEMBER 5.

On motion of Mr. Hunter,
Leave of absence was granted to Mr. Cannon, for the remainder of the session.

Mr. Stewart, on leave, recorded his vote in the affirmative on the questions on rejecting both divisions of the amendment to Section 2, of Article 3, offered by Mr. Tong, on yesterday.

Mr. Stone offered the following resolution, to wit:

Resolved, That the President shall appoint a committee on engrossed amendments of the Constitution, to consist of _____ members, whose duty it shall be to examine and compare every amendment after it is engrossed, and before it is read a third time, and take care that the same is truly and correctly engrossed, and make report thereof to the Convention.

On motion of Mr. Morrow, the blank was filled with the words "three." The resolution, as filled up, was then agreed to.

Mr. President announced, that Mr. Acock's amendment to the second and third sections of Article III, was the subject under consideration.

On motion,

The Convention adjourned till half past 2 o'clock, P. M.

EVENING SESSION.

Mr. Acock's amendment to the second and third sections of Article III, was the subject under consideration.

And after debate,

The Convention adjourned.

SATURDAY MORNING, DECEMBER 6.

On motion of Mr. Broadhead,
Leave of absence was granted to Mr. Stone, until Monday next, the eighth instant.

Under the order of yesterday,

Mr. President announced, as the committee on engrossed amendments of the Constitution, the following gentlemen, to wit:

Messrs. Stone, Nickel and Pitt.

The amendment proposed by Mr. Acock to the second and third sections of Article III, was announced as the subject under consideration; And after debate,

The Convention adjourned till 2 o'clock, P. M.

EVENING SESSION.

The amendment proposed by Mr. Acock to the second and third sections of Article III, was still under consideration; And after further debate,

The Convention adjourned.

MONDAY MORNING, DECEMBER 8.

Mr. Ewing presented a communication from S. Barker, a citizen of Carroll county, recommending the establishment of Probate courts.

Which communication was received and referred to the committee on Judicial Power.

Mr. Wilcoxson presented the petition of Samuel Barker and others, of Carroll county, praying the establishment of Probate courts.

Which petition was received and referred to the committee on Judicial Power.

Mr. James moved to amend the 24th Rule, by adding the following, to come in at the end of the same, to wit:

“And the question shall be to decide the question before the Convention, whether it be the original question, or an amendment to it, or an amendment to an amendment.”

The rule requiring one day's notice was suspended, and the amendment was agreed to.

On motion of Mr. Shields,

Resolved, That the Public Printer shall not be required to strike off any portion of the Journal for the use of members, until he has copy sufficient to make up a form.

Mr. Acock offered the following preamble and resolution, to wit:

WHEREAS, It seems to be impracticable to settle upon principles of equalizing representation, until the basis thereof is settled and agreed upon; therefore,

Resolved, That it is the deliberate opinion of this Convention, that every citizen of this State has a right which ought to be protected by the laws thereof, and that the basis of representation ought to be fixed

upon all free white citizens of this State, including male and female, both old and young.

Mr. Wright moved to lay the preamble and resolution on the table. Disagreed to.

Mr. Shields offered the following substitute, which was accepted by Mr. Acock, to wit:

Resolved, In the opinion of this Convention, the basis of representation ought to be the free white inhabitants of the State.

Mr. Jones of Newton, moved to amend the resolution by adding thereto the following words, to wit:

“Excluding all such as have not become permanent inhabitants of the particular county where they may be found when the census is taken.”

Mr. Green moved to adjourn till 2 o'clock, P. M.

Disagreed to.

The question was now on agreeing to the amendment to the preamble and resolution as amended, and was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Bassett, Branstetter, Buford, Bunch, Farquhar, Fulkerson, Gibbony, Green, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Porter, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wilcoxson, Young, and Mr. President—36.

NOES—Messrs. Anderson, Applegate, Bevitt, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Marmaduke, Morrow, Pipkin, Pitt, Polk, Shields, Stone, Wells, Woodson, and Wright—26.

Absent—Messrs. Davis, Griffin, and Simonds.

Absent with leave, Mr. Cannon.

The resolution, as amended, was then agreed to; and

The Convention adjourned till half past Two o'clock, P. M.

EVENING SESSION.

Mr. Brown submitted the following Proposition, to come in as Section 5, of Article 3, to wit:

Section 5. There shall be an enumeration of all the _____ of this State, taken in the year one thousand eight hundred and forty-eight, and within every subsequent term of four years, in such manner as shall be directed by law. The number of representatives shall at

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the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties according to the number of ————— therein, so as each county shall have its proportional part of representatives within the term of four years.

Which proposition was read a first time and ordered to a second reading.

Mr. Acock's amendment to sections 2 and 3, of Article 3, was announced as the subject under consideration; when

Mr. Acock, on leave, modified his amendment by striking out the words "three thousand free white males," and inserting the words, "five thousand free white inhabitants."

A division of the question into three parts was ordered ;

When, objections being made to the amendment,

The question was put, *first*, on the rejection of so much of the amendment as strikes out the second section, and was decided in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Anderson, Bevitt, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Jones of Franklin, Leslie, Marmaduke, Massey, Mitchell, Pipkin, Pitt, Polk, Shields, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young—36.

NOES—Messrs. Acock, Applegate, Bassett, Buford, Bunch, Finch, Fulkerson, Gibbony, Green, Griffin, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, McHenry, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, Slack, Tong, Wilcoxson, and Mr. President—27.

Absent—Mr. Davis.

Absent, on leave—Mr. Cannon.

Sick—Mr. Branstetter.

The question was then put on rejecting so much of the amendment as strikes out the third section, and was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Jones of Franklin, Jones of Newton, Leslie, Marmaduke, Massey, Mitchell, Pannell, Pipkin, Pitt, Polk, Shields, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young—40.

NOES—Messrs. Acock, Applegate, Buford, Bunch, Finch, Fulkerson, Gibbony, Green, Griffin, Jackson of Howard, Jackson of Ran-

dolph, James, Jones of Scotland, Kincheloe, McHenry, Morrow, Neaves, Nickel, Porter, Simonds, Slack, Tong, Wilcoxson, and Mr. President—24.

Absent—Mr. Davis.

Absent, on leave—Mr. Cannon.

So, the motions to strike out being rejected, the amendment was lost.

Mr. McHenry moved to strike out sections two, three, four, five, six and eight, and insert the following, to wit:

Sec. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties, and the whole number of Representatives shall never exceed seventy-five.

Sec. 3. Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of free white inhabitants therein, and so apportioned as to give, as near as possible; to each white free inhabitant in the State, an equal voice in the legislation thereof.

Sec. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State two years, and of the district which he represents one year next before his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken; and who shall not, moreover, have paid a State or county tax.

Sec. 5. The General Assembly, at their first session, and every fourth year thereafter, shall apportion the number of Representatives and Senators amongst the several counties, in the following manner, to wit: The State shall be divided into twenty-five convenient districts, as nearly equal in the number of free white inhabitants therein as may be, and each of said districts shall be entitled to elect one Senator and three members of the House of Representatives; *provided*, that when a district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district, except such counties as contain such a number of free white inhabitants as will entitle them to two or more districts; *then* such county shall be divided and form as many districts as such county is entitled to.

Which amendments were objected to.

Mr. Finch moved to adjourn.

Disagreed to.

The question was then put "shall the amendments be rejected?"—and was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Branstetter, Broadhead, Brooking, Brown, Campbell, Ewing, Forshey, Foster, Fulkerson, Gentry, Gibbony, Grif-

fin, Hickman, Hunt, Hyatt, James, Massey, Mitchell, Nickel, Pipkin, Pitt, Simpson, Stewart, Stone, Ward, Wells, Woodson, Wright, and Young—30.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Bevitt, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Green, Horine, Hunter, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, McHenry, Morrow, Neaves, Polk, Porter, Shields, Simonds, Slack, Thomas, Tong, Wilcoxson, and Mr. President—34.

Absent—Mr. Pannell.

Absent, on leave—Mr. Cannon.

The amendments were ordered to a second reading; and
The Convention then adjourned.

TUESDAY MORNING, DECEMBER 9.

Mr. President laid before the Convention three petitions from sundry citizens of this State, praying the abolition of the License System; Which petitions were referred to the committee on Legislative Power.

The special orders of the day were discharged, and made the special order of the day for Monday next, the 15th instant.

Said special orders are, "The resolutions instructing the committee on Judicial Power, submitted by Mr. Leslie, and laid on the table on Thursday, the 27th November last;" and, "the resolutions instructing the same committee, introduced by Mr. Hunt on Wednesday, the 3rd of December, instant."

The regular order of business was passed over, and the proposition submitted by Mr. McHenry on yesterday, to amend sections two, three, four, five, six, and eight of Article 3, was taken up and read a second time.

Mr. Ewing moved to amend the proposition by striking out all thereof and inserting the following, to wit:

Sec. 6. In making an apportionment under this Constitution, the Legislature shall lay the State off into four grand divisions, as nearly equal as may be in point of free white inhabitants, not crossing county lines, and ascertain, according to the number of free white inhabitants in each division, the number of representatives to which such division is entitled; and when any county in said division may not have a number of free white inhabitants equal to the ratio, it shall be joined with one or more counties not having a number of free white inhabitants equal to the ratio,—if there be such county or counties adjacent,—which counties so joined shall be entitled to elect one representative,

and if there be any county having free white inhabitants less than the ratio, to which there is no other small county adjacent, the residuum of some one or more of the adjacent counties shall be added to it to make up the ratio, and it shall be entitled to elect one representative; and after having allotted the number of representatives to each county and district in said grand division to which they are entitled, the remaining representatives, to which such division is entitled, shall be allotted to the counties or districts having the largest residuum.

Mr. Jones of Newton moved to lay the amendment of Mr. Ewing on the table.

And the question being put, "shall the amendment to the amendment lie on the table?" was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bassett, Bevitt, Branstetter, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Simonds, Simpson, Slack, Tong, Ward, Wilcoxson, Young, and Mr. President—45.

NOES—Messrs. Anderson, Broadhead, Brooking, Brown, Campbell, Ewing, Forshey, Foster, Gentry, Hickman, Leslie, Stewart, Stone, Wells, Woodson, and Wright—16.

Absent—Messrs. Coalter, and Thomas.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Hyatt, and Shields.

A motion was then made by Mr. Young that the proposition of Mr. McHenry do lie on the table.

And the question being put, it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Branstetter, Broadhead, Brown, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gentry, Green, Griffin, Hickman, Hunt, James, Jones of Franklin, Leslie, Marmaduke, Massey, Mitchell, Nickel, Pannell, Pipkin, Pitt, Polk, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, Young, and Mr. President—38.

NOES—Messrs. Acock, Alexander, Bassett, Bevitt, Buford, Bunch, Finch, Gibbony, Horine, Hunter, Jackson of Howard, Jackson of Randolph, Jones of Newton, Jones of Scotland, Kincheloe, McHenry,

Morrow, Neaves, Porter, Simonds, Slack, Tong, and Wilcoxson—23.

Absent—Messrs. Brooking, and Coalter.

Absent, on leave---Mr. Cannon.

Sick—Messrs. Hyatt, and Shields.

And so the proposition of Mr. McHenry, amendatory of the 2nd, 3rd, 4th, 5th, 6th, and 8th sections of Article 3, was laid on the table.

The Convention then adjourned till 3 o'clock, P. M.

EVENING SESSION.

The Convention resumed the consideration of the second section of Article 3.

A motion was made by Mr. Massey to amend the said section, by adding, at the end thereof, the following, to wit:

“And the General Assembly shall, at each apportioning session, give to every county having the amount of the ratio, or two-thirds of the amount, one member; and shall apportion the residue of the members among other counties without reference to the ratio, so as to make representation as equal as it can be made.”

Which amendment was read a first and second time, and,

On motion of Mr. Marmaduke,

Was laid on the table.

A motion was made by Mr. James to amend the second section, by striking out the words “one hundred.”

And the question being put on agreeing thereto, was decided in the negative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bunch, Davis, Finch, Fulkerson, Green, Griffin, Hickman, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kinche-loe, Leslie, Massey, McHenry, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, Slack, Stone, Tong, Wilcoxson, and Mr. President—31.

NOES—Messrs. Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Ewing, Farquhar, Forshey, Foster, Gentry, Gibbony, Horine, Hunt, Jones of Franklin, Marmaduke, Mitchell, Pipkin, Pitt, Polk, Simpson, Stewart, Thomas, Ward, Wells, Woodson, Wright, and Young—31.

Absent—Mr. Coalter.

Absent on leave—Mr. Cannon.

Sick—Messrs. Hyatt and Shields.

On motion of Mr. Buford,

The Convention reconsidered the vote on the amendment of Mr. James, and the question recurred on agreeing to said amendment; when

Mr. Hunter moved to amend the same, by substituting in lieu thereof, the following, to wit:

Strike out the words "one hundred," and insert the words "seventy-five."

A division of the question was called for, when,

On motion of Mr. Young, the amendment of Mr. James, and the amendment thereto of Mr. Hunter, were laid on the table.

Mr. Pitt moved the following amendment, to wit:

Strike out the 3d, 4th, 5th, and 6th sections, and insert the following:

Sec. 3. Representation shall be equal and uniform in this State, and shall be forever regulated and ascertained by the free white inhabitants therein, and so apportioned as to give, as near as possible, to each free white inhabitant in this State, an equal voice in the legislation thereof.

Sec. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State two years, and of the county or district which he represents, one year next before his election, if the county or district shall have been so long established, but, if not, then of the county or district from which the same shall have been created.

Sec. 5. The General Assembly, at their first session, and every fourth year thereafter, shall cause an enumeration of the free white inhabitants of this State to be made, and, at the first session after such enumeration, shall apportion the number of representatives among the several counties, as directed by the third section of this Article.

Sec. 6. In making an apportionment under this Constitution, whenever it shall appear that several adjoining counties contain fractions of free white inhabitants not so large as the ratio fixed for one representative under such apportionment, or fractions over the ratio of one and under that of two; or over the ratio of two and under that of three; or over the ratio of three and under that of four, and so on; and said fractions, when added together, will make the ratio of one representative, the said adjoining counties shall be constituted into an election district, as nearly square as possible, and together be entitled to elect one representative in addition to the representative or representatives of such counties; provided, that when any county shall have three-fourths of the ratio fixed for one representative, it shall be entitled to elect one representative.

Which amendment was read a first time, and, a second reading being dispensed with, was laid on the table.

Mr. Green proposed to amend section 2, by striking out all thereof, and inserting the following, to wit:

Sec. 2. The house of representatives shall consist of members to be chosen every second year by the qualified electors of the several counties. The ratio of representation shall be determined by each apportioning session of the Legislature, but shall never be less than four thousand white inhabitants; provided, however, that each county having two-thirds of such ratio, shall be entitled to elect one representative; and provided, further, that when any county shall be entitled to more than two representatives, such county shall be divided into districts, so that no district shall elect more than two representatives; and provided, further, that when there shall be a county with a population less than two-thirds of the ratio, and not contiguous to any other county having a fraction less than two-thirds of the ratio, said county shall nevertheless be entitled to one representative. And, in all other cases, the counties having fractions less than two-thirds of the ratio, shall be added together for the purpose of forming election districts for representatives, according to the ratio then being.

Which amendment, having been read a first and second time, was laid on the table.

The Convention then adjourned.

WEDNESDAY MORNING, DECEMBER 10.

The Convention resumed the consideration of the second section of Article 3.

A motion was made by Mr. Coalter to amend said section by striking out all thereof, and inserting the following, to wit:

Sec. 2. *First.* Representation in the General Assembly shall be based on the white inhabitants of this State.

Second. In apportioning for representation in the House of Representatives, the General Assembly shall take the number of white inhabitants of the State, as ascertained by the census, and divide the same by one hundred, to find the "ratio of representation." Every county having a white population equal to the ratio of representation, shall have one member, and if said county shall have a fraction over equal to the half of said ratio, said county shall be entitled to elect two members; and every county which shall have a population equal to double the ratio, shall be entitled to elect two members; and if said county shall have a fraction over equal to two-thirds of the ratio, said county shall be entitled to elect three members; and every county which shall have a population equal to three times the ratio, shall be entitled to elect three members; and and if said county shall have a fraction over equal to four-fifths of the ratio, said county shall be entitled to elect four

members; and every county whose population shall be equal to four times the ratio and upwards, shall be entitled to elect as many members as their numbers will respectively entitle them to, without counting fractions; and every county whose population shall not be equal to the ratio, but shall be equal to two-thirds of the ratio, shall be entitled to elect one member; and if the population of said county shall not be equal to two-thirds of the ratio, said county shall be joined to some contiguous county or counties sufficient to secure the representative ratio, and said counties shall be an election district, and shall elect as many members as they would be entitled to according to the above rule.

Third. The Senate shall consist of twenty members, to be apportioned in districts according to free white population.

Fourth. Bills shall originate in the House of Representatives alone, but may be altered, amended, or rejected by the Senate.

Fifth. The General Assembly shall receive a compensation for their services, not exceeding three dollars per day for the first forty days, and, after that, at the rate of one dollar per day.

Sixth. The General Assembly shall meet once in three years, and elections shall be triennial; but the Governor may convene the General Assembly whenever, in his opinion, the public good requires it.

Which amendment, having been read a first and second time, was laid on the table.

A motion was now made by Mr. Hunter to amend the said second section by striking out the words "one hundred," and inserting the words "seventy-five."

Which amendment was read a first and second time.

A division of the question was called for; when,

On motion of Mr. Massey,

The said amendment was laid on the table.

On motion of Mr. Polk,

The Convention passed over, for the present, sections 2, 3, 4, and 5 of Article 3, and proceeded to the consideration of section 6.

Mr. Polk then moved the following amendment to said sixth section, to wit:

Strike out the word "electors," in the third line, and insert in lieu thereof, the words "white inhabitants," and add to the end of the section the following, to wit:

"Which representative shall not be chosen from any county entitled to a member, if there be in such district any county not entitled to a member by the ratio of representation at the time; *Provided*, that when any county shall be entitled to more than two representatives, it shall be divided, by the tribunal transacting county business, into as many convenient districts as it may be entitled to members, each of which districts shall contain the ratio, and, as near as may be, an equal number of white inhabitants, and be as nearly square as practicable."

Mr. Jones of Newton moved to amend the amendment of Mr. Polk,

by striking out the word "two," in the eleventh line, and inserting in lieu thereof, the word "one."

A motion was made by Mr. Wells, that the amendment and the amendment to the amendment do lie on the table.

And the question being put, was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Bevitt, Branstetter, Broadhead, Brown, Bunch, Coalter, Davis, Ewing, Farquhar, Finch, Foster, Griffin, Hunt, Hyatt, James, Jones of Franklin, Leslie, Marmaduke, Massey, McHenry, Pannell, Pitt, Shields, Simpson, Stewart, Thomas, Wells, Woodson, and Young—29.

NOES—Messrs. Acock, Alexander, Anderson, Applegate, Bassett, Brooking, Buford, Campbell, Forshey, Fulkerson, Gentry, Gibbony, Green, Hickman, Horine, Hunter, Jackson of Howard, Jackson of Randolph, Jones of Newton, Jones of Scotland, Kincheloe, Mitchell, Morrow, Neaves, Nickel, Pipkin, Polk, Porter, Simonds, Slack, Stone, Tong, Ward, Wilcoxson, Wright, and Mr. President—36.

Absent, on leave—Mr. Cannon.

And so the Convention refused to lay on the table the amendment to section 6, offered by Mr. Polk, and the amendment to the amendment, moved by Mr. Jones of Newton.

The question then recurred on agreeing to the amendment to the amendment, and being put,

Was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Acock, Alexander, Brown, Bunch, Coalter, Davis, Farquhar, Finch, Foster, Fulkerson, Gibbony, Griffin, Horine, Hunter, Jackson of Howard, Jones of Newton, Jones of Scotland, Marmaduke, McHenry, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Slack, Thomas, Tong, Ward, and Mr. President—32.

NOES—Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Buford, Campbell, Ewing, Forshey, Gentry, Green, Hickman, Hunt, Hyatt, Jackson of Randolph, James, Jones of Franklin, Kincheloe, Leslie, Massey, Mitchell, Pitt, Polk, Simpson, Stewart, Stone, Wells, Wilcoxson, Woodson, Wright, and Young—33.

Absent, on leave—Mr. Cannon.

So the Convention refused to agree to the amendment moved by Mr. Jones of Newton, to the amendment to section 6, proposed by Mr. Polk.

The question then recurred on agreeing to the amendment moved by Mr. Polk; when,

A motion was made by Mr. Thomas to amend the same by adding thereto the following, to wit:

"Provided, that if a county has two-thirds of the ratio, let it have one representative; if it has one ratio and three-fourths, give it two representatives; if it has three full ratios, give it three; if it has four ratios and one-fourth over, give it four; if it has five ratios, and one half over, give it five; and so on, increasing by the same rule, for every additional member."

After debate,

Mr. Thomas asked leave to modify his amendment, by striking out the words "two-thirds" in the first line, and inserting in lieu thereof the words "three-fourths."

Which being objected to,

A motion was then made by Mr. Jones of Newton, that the amendment to the amendment do lie on the table.

Pending the consideration of which,

Mr. Thomas withdrew his amendment.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SESSION.

The question now recurred on agreeing to the amendment of Mr. Polk to the 6th section of Article 3; and

Mr. Shields moved to amend the same, by striking out all thereof and inserting the following, to wit:

"The representatives shall be apportioned among the several counties according to the number of white inhabitants therein, according to the following manner, to wit:

'The ratio of representation shall be determined by dividing the whole number of white inhabitants in the State by one hundred. Each county having two-thirds of the ratio, shall be entitled to one representative. Each county having said ratio, and a fraction equal to two-thirds of the ratio, shall be entitled to two representatives. Each county having three times the ratio, shall have three representatives; and so above that number in the same proportion: provided, however, that when any county shall be entitled to more than two representatives, such county shall be divided into convenient districts as near a square as may be, and containing as near the same number of inhabitants as practicable, by the tribunal transacting county business in said county, so that no district in said county shall elect more than two representatives. All counties not having two-thirds of the ratio, shall be added to one or more other counties for the purpose of making up the ratio required."

The question was now put,

"Shall the amendment to the amendment be agreed to?"

And was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bassett, Brooking, Buford, Bunch, Davis, Ewing, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Wilcoxson, Woodson, and Mr. President—38.

NOES—Messrs. Anderson, Bevitt, Branstetter, Broadhead, Brown, Campbell, Coalter, Farquhar, Forshey, Foster, Gentry, Hickman, Hunt, Hunter, Hyatt, James, Leslie, Pipkin, Pitt, Polk, Stewart, Stone, Ward, Wells, Wright, and Young—26.

Absent with leave—Mr. Cannon.

And so the amendment proposed by Mr. Polk to the 6th section of Article 3, was stricken out, and the amendment thereto moved by Mr. Shields, was substituted in lieu thereof.

A motion was now made by Mr. Pitt, to amend the amendment as amended, by striking out all after the word "proportion" in the fifteenth line, and to the word "representatives," in the twenty-third line.

And the question being put on agreeing thereto, was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Bevitt, Branstetter, Broadhead, Brown, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Gibbony, Hickman, Hunt, Hunter, Hyatt, James, Jones of Scotland, Leslie, Pitt, Polk, Porter, Stewart, Stone, Ward, Wells, Woodson, Wright, and Young—29.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Brooking, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Shields, Simonds, Simpson, Slack, Thomas, Tong, Wilcoxson, and Mr. President—35.

Absent with leave—Mr. Cannon.

Mr. Stewart proposed to amend the amendment as amended, by striking out the words "three times" in the thirteenth line, and inserting in lieu thereof the words "twice and two-thirds;" and by striking out the word "two" in the seventeenth and twenty-third lines, and inserting in lieu thereof the word "three."

At this stage of the proceedings,

Mr. Griffin moved an adjournment; and

The question being put, was determined in the negative.

The question then recurred on agreeing to the amendment proposed

by Mr. Stewart to the amendment of Mr. Polk, as amended, and was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Bassett, Branstetter, Broadhead, Brook-
ing, Brown, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hick-
man, Hunt, Hyatt, Leslie, Pitt, Polk, Stewart, Stone, Ward, Wells,
Woodson, Wright, and Young—25.

NOES—Messrs. Acock, Alexander, Applegate, Bevitt, Buford, Bunch,
Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine,
Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of
Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke,
Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin,
Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Wilcoxson,
and Mr. President—40.

Absent with leave—Mr. Cannon.

Mr. Anderson moved to amend the amendment as amended, by stri-
king out all between the word “provided” in the fifteenth line, and the
word “all” in the twenty-first line, and inserting in lieu thereof the
following, to wit:

“The county of St. Louis and the city of St. Louis shall each be
entitled to, and vote for a separate representation, in proportion to the
ratio.”

Pending the consideration of which amendment,

The Convention adjourned.

THURSDAY MORNING, DECEMBER 11.

On motion of Mr. Jones of Newton,

The Convention reconsidered the vote referring the petitions praying
the abolition of the license system, laid before the Convention by the
President on Tuesday last, to the committee on Legislative Power; and
the said petitions were referred to a select committee to consist of five
members.

The following resolution was submitted by Mr. McHenry, to wit:

Resolved, That no member of this Convention shall be permitted to
speak more than fifteen minutes on any one proposition.

A motion was made by Mr. Jones of Newton, to strike out the word
“fifteen” in the third line of said resolution, and insert the word “thir-
ty.”

A motion was now made by Mr. Wright, “that the said resolution
and the amendment thereto, do lie on the table.”

And the question being put, was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Broadhead, Campbell, Ewing, Forshey, Foster, Gentry, Green, Griffin, Hickman, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, Kincheloe, Leslie, Marmaduke, Mitchell, Morrow, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President—36.

NOES—Messrs. Acock, Alexander, Bevitt, Branstetter, Brooking, Brown, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gibbony, Horine, Hunter, James, Jones of Franklin, Jones of Newton, Jones of Scotland, McHenry, Neaves, Nickel, Pannell, Porter, Tong, and Wells—26.

Absent—Messrs. Bassett, Buford, and Massey.

Absent with leave—Mr. Cannon.

And so the resolution moved by Mr. McHenry, and the amendment proposed thereto by Mr. Jones of Newton, were laid on the table.

Mr. Coalter offered the following resolution, to wit:

Resolved, That this Convention will adjourn, *sine die*, on Saturday the twentieth of the present month.

A motion was made by Mr. Marmaduke to amend said resolution by striking out the word "twentieth" and inserting in lieu thereof, the words "twenty-seventh."

Mr. Jones of Newton, moved to amend the amendment of Mr. Marmaduke by striking out the words "Saturday the twenty-seventh" and inserting the words "Monday the twenty-ninth."

A motion was now made by Mr. Pipkin, that the resolution of Mr. Coalter, together with the amendments proposed by Messrs. Marmaduke and Jones of Newton, do lie on the table.

And the question being put, was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Branstetter, Bunch, Davis, Farquhar, Green, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Scotland, Kincheloe, Leslie, Morrow, Pannell, Pipkin, Pitt, Simonds, Slack, Stewart, Ward, Wilcoxson, Wright, and Mr. President—25.

NOES—Messrs. Acock, Anderson, Bevitt, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Griffin, Hickman, Horine, Hunter, Hyatt, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Polk, Porter, Shields, Simpson, Stone, Thomas, Tong, Wells, Woodson, and Young—38.

Absent—Messrs. Bassett, and Buford.

Absent with leave—Mr. Cannon.

So the Convention refused to lay on the table the resolution of Mr. Coalter, and the amendments of Messrs. Marmaduke and Jones of Newton.

The question recurred on agreeing to the amendment moved by Mr. Jones of Newton, to the amendment of Mr. Marmaduke.

And, being stated, was determined in the negative.

Mr. Green then moved to amend the amendment of Mr. Marmaduke by inserting after the words "twenty-seventh," the following, to wit:

"Or so soon thereafter as we can despatch the important business confided to us by the people of the State, without unnecessarily consuming time by motions or resolutions designed for manufacturing capital of a political character."

Which amendment was agreed to.

A motion was then made by Mr. Hunter to lay the resolution of Mr. Coalter, together with the amendment of Mr. Marmaduke, as amended, on the table.

Which motion was agreed to.

The Convention now resumed the consideration of the substitute of Mr. Shields for Mr. Polk's amendment to section 6 of Article 3, and the amendment proposed by Mr. Anderson thereto; whereupon

Mr. Anderson modified his amendment so as to read as follows, to wit:

"Strike out all between the words "provided" in the fifteenth line, and the word "all" in the 21st line, and insert the following, to wit:

"That when any town or city in the State shall have the ratio of representation, said town or city shall be entitled to, and vote for a representative independent of the county; provided the county, without the town or city, shall have the ratio of representation."

And the question being put on agreeing to the amendment so modified, was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Brown, Ewing, Forshey, Gentry, Hickman, Hunt, Jackson of Howard, James, Massey, Pitt, Polk, Stone, Ward, Woodson and Young—21.

NOES—Messrs. Accock, Alexander, Buford, Bunch, Campbell, Coalter, Davis, Farquhar, Finch, Foster, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Hyatt, Jackson of Randolph, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Wells, Wilcoxson, Wright, and Mr. President—43.

Absent—Mr. Bassett.

Absent with leave—Mr. Cannon.

Mr. Anderson now moved to amend the substitute of Mr. Shields, by inserting between the words "having" in the twelfth line, and the word "three" in the thirteenth line, the following, to wit:

"Twice the ratio and two-thirds shall be entitled to three representatives, and a county having"—

Also by striking out all between the word "provided" in the fifteenth

line, and the word "all" in the twenty-first line, and inserting the following, to wit:

"The county of St. Louis, without the city of St. Louis, shall be entitled to and vote for a separate representation; and the city of St. Louis shall be divided into two equal compact districts, by the tribunal transacting county business, and each district shall be entitled to and vote for the one-half of the representatives which the city of St. Louis may have by the fixed ratio of representation; and when any other town or city in the State shall have the ratio of representation, said town or city shall be entitled to and vote for a representation independent of the county; provided the county, without the town or city, shall have the ratio of representation."

A motion was then made by Mr. Wells, that the substitute of Mr. Shields, and the amendment thereto, do lie on the table.

A division of the question on this motion being called for,

The question was put, *first* on laying on the table that part of Mr. Anderson's amendment which proposes to insert between the word "having" in the twelfth line, and the word "three" in the thirteenth line, the following words, to wit:

"Twice the ratio and two-thirds shall be entitled to three representatives, and a county having"—

And it was determined in the affirmative.

The question was put, *secondly*, on laying on the table the remainder of said amendment, and was also determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Buford, Bunch, Campbell, Coalter, Davis, Foster, Fulkerson, Gibbony, Green, Griffin, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Wells, Wilcoxson, Wright, Young, and Mr. President—50.

NOES—Messrs. Anderson, Applegate, Brown, Ewing, Farquhar, Forshey, Gentry, Hickman, Marmaduke, Morrow, Pitt, Stone, Ward, and Woodson—14.

Absent—Mr. Finch.

Absent with leave—Mr. Cannon.

The question was put, *thirdly*, on laying on the table the substitute of Mr. Shields, and it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Branstetter, Broadhead, Brown, Campbell, Coalter, Finch, Forshey, Foster, Gentry, Gibbony, Hickman, Hunt, Hunter, Hyatt, James, Jones of Scotland, Leslie, Massey, McHenry, Stewart, Wells, Woodson, and Wright—23.

NOES—Messrs. Acock, Alexander, Anderson, Applegate, Bassett, Be-
vitt, Brooking, Buford, Bunch, Davis, Ewing, Farquhar, Fulkerson, Green,
Griffin, Horine, Jackson of Howard, Jackson of Randolph, Jones of
Franklin, Jones of Newton, Kincheloe, Marmaduke, Mitchell, Morrow,
Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds,
Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Young, and
Mr. President—42.

Absent with leave—Mr. Cannon.

And so the Convention ordered the amendment of Mr. Anderson to
the substitute of Mr. Shields, to lie on the table; and

Refused to lay on the table the said substitute of Mr. Shields.

Mr. Ewing moved to amend the said substitute, by adding thereto
the following, to wit:

“Provided, however, that at the second apportionment, and at all sub-
sequent apportionments thereafter, no county shall have a representa-
tive unless it may have a number of free white inhabitants equal to the
ratio of representation;” and

The question being put on agreeing thereto, was decided in the ne-
gative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Bevitt, Branstetter, Broadhead, Brooking,
Campbell, Ewing, Forshey, Foster, Gentry, Hickman, Hunter, Hyatt, Pitt,
Polk, Simpson, Stewart, Stone, Thomas, Ward, Woodson and Wright—22.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Brown, Buford,
Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Gris-
fin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones
of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie,
Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pan-
nell, Pipkin, Porter, Shields, Simonds, Slack, Tong, Wells, Wilcoxson,
Young and Mr. President—43.

Absent with leave—Mr. Cannon.

Mr. Campbell moved to amend the said substitute of Mr. Shields, by
adding to the end thereof the following, to wit:

“But no person shall be permitted to vote, except in the election dis-
trict in which he resides.”

Which amendment was agreed to.

A motion was then made by Mr. Pitt to amend the substitute as
amended, by striking out the word “two” in the seventeenth line, and
inserting in lieu thereof the word “three;” also, by striking out the
word “two” in the twenty-third line, and inserting in lieu thereof the
word “three.”

A motion was now made by Mr. Griffin to refer the substitute, as
amended, together with the amendment proposed by Mr. Pitt thereto,
to a select committee, to consist of nine members.

And the question being put on agreeing to said motion, was determined in the negative.

The question then recurred on agreeing to the amendment proposed by Mr. Pitt, and was decided in the negative, by ayes and noes, as follows :

AYES—Messrs. Anderson, Applegate, Bassett, Branstetter, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Forshey, Foster, Fulkerson, Gentry, Hickman, Hunt, Hunter, Hyatt, James, Massey, Mitchell, Pitt, Polk, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young—32.

NOES—Messrs. Acock, Alexander, Bevitt, Buford, Bunch, Davis, Farquhar, Finch, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, McHenry, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Slack, Tong, Wilcoxson, and Mr. President—33.

Absent, on leave—Mr. Cannon.

Mr. Campbell proposed the following amendment to the substitute, as amended, to wit :

Insert the following words, after the word “representatives,” in the twenty-third line, to wit :

“If any county, thus divided, shall have a sufficient population to entitle it to an odd member, then a district may be formed having only one member ; and if such county shall have a sufficient population to entitle it to any given number of members, and two-thirds of the number to give it an additional member under the ratio, then it shall have a member for such overplus.”

The question was on agreeing to said amendment, and,
A division thereof being called for,

Was put, *first*, on inserting the following words, to wit :

“If any county, thus divided, shall have a sufficient population to entitle it to an odd member, then a district may be formed having only one member ;”

And it was determined in the affirmative.

The question was put, *secondly*, on inserting the remainder of said amendment,

And was also determined in the affirmative.

And so the amendment moved by Mr. Campbell to the aforesaid substitute, was agreed to.

The Convention then adjourned until half-past 2 o'clock, P. M.

EVENING SESSION.

A motion was made by Mr. Massey to amend the substitute, as amended, by striking out, from the word “representative” to the word

“proportion,” both words included, and inserting the following, to wit:
 “Each county having twice the amount of the ratio, shall be entitled to two representatives; each county having three and a half times the ratio, shall be entitled to three representatives; each county having five times the ratio, shall be entitled to four representatives; each county having eight times the ratio shall be entitled to five representatives, and no county shall, in any case, have more than six representatives.”

The question was put on agreeing to said amendment, and was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Fulkerson, James, Kincheloe, Massey, Neaves, Simonds, Slack, and Tong—9.

NOES—Messrs. Acock, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Gibbony, Green, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Simpson, Stewart, Stone, Thomas, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President—52.

Absent—Messrs Finch, and Griffin.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Bunch, and Shields.

A motion was then made by Mr. Stone to amend said substitute, as amended, by adding thereto the following, to wit:

“But if a county, having less than two-thirds of the ratio, cannot be added to some other county or counties having less than two-thirds of the ratio, without a county intervening, then, if such county has one-half of the ratio, a number of the residuums of the large counties which may join such county, sufficient to make up the ratio, shall be added to such county, and it shall elect one representative. But, if such county has less than one-half of the ratio, then it shall be added to some large adjoining county, and the district formed thereby shall elect as many representatives as it will be entitled to under the ratio. The fractions of counties and districts, except those that may be added, in the manner above mentioned, to counties having less than two-thirds of the ratio, shall be added together until they make the ratio; and the counties from which said fractions are taken shall constitute an election district, and elect one representative.”

The question was on agreeing to said amendment; and being divided,

Was put, *first*, on so much of the amendment as is comprehended in to following words, to wit:

“But if a county, having less than two-thirds of the ratio, cannot be

added to some other county or counties having less than two-thirds of the ratio, without a county intervening, then, if such county has one-half of the ratio, a number of the residuums of the large counties which may join such county, sufficient to make up the ratio, shall be added to such county, and it shall elect one representative;"

: And it was decided in the affirmative.

The question was put, *secondly*, on agreeing to the residue of the said amendment,

And was determined in the negative.

Mr. Hunter moved to amend the substitute, as now amended, by striking out the words "one hundred," and inserting the word "eighty,"

And the question was put on agreeing to said amendment, and was determined in the negative.

The question recurred on agreeing to the substitute of Mr. Shields, as amended; or, in other words, on agreeing to Mr. Polk's amendment, as amended, and was decided in the negative, by ayes and noes, as follows :

AYES—Messrs. Anderson, Applegate, Bevitt, Brooking, Campbell, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Jones of Franklin, Marmaduke, Mitchell, Polk, Porter, Simpson, Thomas, Ward, Wells, Woodson, Wright, and Young—25.

NOES—Messrs. Acock, Alexander, Bassett, Branstetter, Broadhead, Brown, Buford, Bunch, Coalter, Davis, Finch, Fulkerson, Gibbon, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Simonds, Slack, Stewart, Stone, Tong, Wilcoxson, and Mr. President—33.

Absent, on leave—Mr. Cannon.

Sick—Mr. Shields.

The question then recurred on the sixth section of Article III, as reported by the committee on Legislative Power ; when

Mr. Green moved to amend the said 6th section by striking out all thereof, and inserting in its stead the following, to wit :

The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties, in the manner following, to wit :

The ratio of representation shall be ascertained by dividing the whole white inhabitants of the State by the number *one hundred*.

Each county having two-thirds of said ratio, shall be entitled to one representative:

Each county having said ratio and a fraction over equal to two-thirds thereof, shall be entitled to two representatives : and

Each county having three times said ratio, shall be entitled to three representatives ; and so above in the same proportion :

Provided, however, that when any county shall be entitled to more than two representatives, and shall have a town or city therein, with a number of white inhabitants equal to said ratio, such town or city shall be entitled to a separate representative, provided the remainder of said county shall have the amount of said ratio. And such town or city shall thereupon be divided into as many separate and equal districts as the members apportioned to such town or city.

And provided further, that when any county shall not have two-thirds of said ratio, and shall not be contiguous to any other county with less than two-thirds of the ratio, such county shall, nevertheless, be entitled to one representative: and in all other cases of small counties containing less than two-thirds of the ratio, such counties shall be formed into districts containing the number of white inhabitants required to elect one member.

A motion was made by Mr. Broadhead to amend the foregoing amendment, by adding thereto the following, to wit:

“And no county shall hereafter be created by the Legislature, until it shall contain a population equal to the ratio.”

And the question being on agreeing thereto, was determined in the negative.

A motion was then made by Mr. Wells, that the amendment proposed by Mr. Green to section 6, do lie on the table;

And the question being put on agreeing to said motion, was determined in the negative.

Mr. Forshey now proposed to amend the amendment, by adding thereto the following, to wit:

“And no new county, hereafter created, shall have a separate representative in the popular branch of the General Assembly, until it shall have a population equal to the ratio of representation for the time being.”

And the question being on agreeing thereto, was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Bevitt, Branstetter, Broadhead, Brooking, Campbell, Coalter, Ewing, Forshey, Foster, Fulkerson, Gentry, Hickman, Hunt, Hunter, Hyatt, Leslie, Pipkin, Polk, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young—28.

NOES—Messrs. Acock, Applegate, Bassett, Brown, Buford, Bunch, Davis, Farquhar, Finch, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Morrow, Neaves, Nickel, Pannell, Pitt, Porter, Simonds, Simpson, Slack, Tong, Wilcoxson, and Mr. President—35.

Absent—Mr. Mitchell.

Absent, with leave—Mr. Cannon.

Sick—Mr. Shields.

At this stage of the proceedings,
The Convention adjourned.

FRIDAY MORNING, DECEMBER 12.

The Convention resumed the consideration of the amendment proposed by Mr. Green to the 6th section of Article III, as reported by the committee on Legislative Power.

A motion was made by Mr. Pitt to amend the said amendment, by striking out the words "so above in the same proportion," in the sixteenth line, and inserting the same words between the word "Representatives" and the word "and," in the fourteenth line; and also by inserting the words "and so on" between the word "Representatives" and the word "provided," in the sixteenth line.

Mr. Jones of Newton moved to lay the amendment of Mr. Pitt on the table.

A motion was then made by Mr. Pitt that the amendment and the amendment proposed thereto, do lie on the table.

And the question being on the motion last aforesaid, was divided, and,

Was put, *first*, on laying the amendment to the amendment on the table, and

It was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock, Alexander, Applegate, Bevitt, Branstetter, Broadhead, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gentry, Gibbony, Green, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, and Mr. President—49.

NOES—Messrs. Anderson, Bassett, Brooking, Brown, Campbell, Ewing, Forshey, Foster, Hickman, Hyatt, Pitt, Polk, Stone, Woodson, Wright, and Young—16

Absent, with leave—Mr. Cannon.

The question was put, *secondly*, on laying Mr. Green's amendment on the table, and was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Anderson, Bassett, Bevitt, Broadhead, Brown, Campbell, Coalter, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Horine, Hunter, James, Leslie, Massey, McHenry, Pitt, Polk, Stewart, Stone, Wells, Wright, and Young—26.

NOES—Messrs. Acock, Alexander, Applegate, Branstetter, Brooking, Bunch, Davis, Finch, Fulkerson, Gibbony, Green, Griffin, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin,

Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wilcoxson, Woodson, and Mr. President—38.

Absent—Mr. Buford.

Absent, with leave—Mr. Cannon.

So the Convention ordered the amendment proposed by Mr. Pitt to the amendment of Mr. Green, to lie on the table ;

And refused to lay on the table the said amendment of Mr. Green.

A motion was then made by Mr. McHenry to amend the amendment, by striking out all thereof, and substituting the following, to wit :

“Sec. 6. The General Assembly, at their first session, and every fourth year thereafter, shall apportion the number of Representatives and Senators among the several counties in the following manner, to wit : The State shall be divided into twenty-five compact districts, as nearly square as possible, and as nearly equal as possible in the number of white inhabitants therein ; and each of said districts shall be entitled to elect only one Senator and only three members of the House of Representatives ; and in no case shall a double district be formed. And no county shall be divided in forming a district, except the county of St. Louis, which may be divided into as many districts as the white inhabitants of said county may entitle it to.”

A motion was now made by Mr. Wright, “that the foregoing amendment do lie on the table ;”

And the question being put on agreeing thereto, was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock, Applegate, Branstetter, Broadhead, Brook-
ing, Brown, Bunch, Campbell, Davis, Ewing, Forshey, Foster, Fulker-
son, Gibbony, Green, Griffin, Hickman, Hyatt, Jackson of Howard,
Jackson of Randolph, James, Jones of Franklin, Kincheloe, Leslie,
Marmaduke, Mitchell, Neaves, Nickel, Pipkin, Pitt, Porter, Simonds,
Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson,
Wright, and Young—42.

NOES—Messrs. Alexander, Anderson, Bassett, Bevitt, Buford, Coal-
ter, Farquhar, Finch, Gentry, Horine, Hunt, Hunter, Jones of Newton,
Jones of Scotland, Massey, McHenry, Morrow, Pannell, Polk, Shields,
Stewart, Wells, and Mr. President—23.

Absent, with leave—Mr. Cannon.

And so the amendment proposed by Mr. McHenry to the amendment moved by Mr. Green, was ordered to lie on the table.

A motion was now made by Mr. Wright to amend the amendment of Mr. Green, by substituting in lieu thereof the following :

Sec. 6. In making an apportionment under this Constitution, whenever it shall appear that several adjoining counties contain fractions of free white inhabitants not so large as the ratio fixed for one Representative under such apportionment, or fractions over the ratio of one and under that of two, or over the ratio of two and under that of three, or over the ratio of three and under that of four, and so on, and said fractions, when added together, will make the ratio of one Representative, the said adjoining counties shall be constituted into an election district, as nearly square as possible, and, together, be entitled to elect one Representative, in addition to the Representative or Representatives of such counties. *Provided*, that each county now organized, having a number of free white inhabitants equal to one-half of the ratio, shall be entitled to one member; but no new county, hereafter created by the Legislature, shall be entitled to separate representation until it comes up to the ratio.

On motion of Mr. Kincheloe,
The foregoing amendment was laid on the table.

A motion was made by Mr. James to amend the amendment, by substituting in lieu thereof the following, to wit :

The House of Representatives shall consist of members to be chosen every third year by the qualified electors of the several counties, in the manner following, to wit :

The ratio of representation shall be ascertained by dividing the whole white inhabitants of the State by the number *one hundred*.

Each county having one-half of said ratio, shall be entitled to one Representative. Each county having said ratio and a fraction over equal to three-fourths thereof, shall be entitled to two representatives; and each county having three times said ratio, shall be entitled to three representatives, and so on in the same proportion. *Provided, however*, that when any county shall be entitled to more than two representatives, and shall have a town or city therein with a number of white inhabitants equal to said ratio, such town or city shall be entitled to a separate representation, provided the remainder of said county shall have the amount of said ratio. *And provided further*, that when any county shall not have one-half of said ratio, and shall not be contiguous to any other county with less than one-half of the ratio, such county shall nevertheless be entitled to one representative. And in all other cases of small counties containing less than one-half of the ratio, such counties shall be formed into districts containing the number of white inhabitants required to elect one member.

The Senate shall consist of not more than twenty-five Senators, to be apportioned in as compact and equal a form as can be done, and no double district shall be formed unless a county shall be entitled to elect more than one Senator.

A motion was made by Mr. Thomas "that the said amendment to the amendment do lie on the table;" and

The question being put on agreeing thereto, was determined in the affirmative.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SESSION.

The question recurred on the substitute for section 6, proposed by Mr. Green.

A motion was made by Mr. Jones of Newton to amend the said substitute, by striking out all thereof, and inserting the following, as the 6th section, to wit:

Sec. 6. In making an apportionment under this Constitution, whenever it shall appear that several adjoining counties contain fractions of free white inhabitants not so large as the ratio fixed for one representative under such apportionment, or fractions over the ratio of one and under that of two, or over the ratio of two and under that of three, or over the ratio of three and under that of four, and so on, and said fractions, when added together, will make the ratio of one representative, the said adjoining counties shall be constituted into an election district, as nearly square as possible, and, together, be entitled to elect one representative, in addition to the representative or representatives of such counties; *Provided*, that each county now organized, having a number of free white inhabitants equal to two-thirds of the ratio, shall be entitled to one member; and no new county, hereafter created by the Legislature, shall be entitled to separate representation until it contains a population of free white inhabitants equal to two-thirds of the ratio. *Provided, however*, that when any county shall be entitled to more than two representatives, and shall have a town or city therein with a number of free white inhabitants equal to said ratio, such town or city shall be entitled to a separate representation, provided the remainder of said county shall have the amount of said ratio; and such town or city shall thereupon be divided into as many separate and equal districts as the members apportioned to such town or city. *Provided, further*, that an elector in such district shall only vote in the district of which he is an inhabitant.

The question was put on agreeing to the foregoing amendment, and was determined in the negative.

Mr. Jones of Newton now moved to amend the aforesaid substitute, by striking out all thereof, and inserting the following, as the said 6th section, to wit:

The General Assembly, at their first session, and every fourth year thereafter, shall apportion the number of representatives and senators among the several counties, in the following manner, to wit:

The State shall be divided into thirty-three compact districts, as nearly square as possible, and as nearly equal as possible in the number of free white inhabitants therein, and each of said districts shall be entitled to elect only one Senator, and only three members of the House of Representatives; and in no case shall a double district be formed.— And no county shall be divided in forming a district, except the county of St. Louis, which may be divided into as many districts as the white inhabitants of said county may entitle it to.

Mr. Jackson of Randolph moved to lay the said amendment on the table; whereupon,

A motion was made by Mr. Jones of Newton "that the substitute, together with the amendment last moved thereto, do lie on the table."

A division of the question was then called for.

And the question was put, *first*, on laying on the table the amendment proposed to the substitute by Mr. Jones of Newton,

And was determined in the affirmative.

Mr. Jones of Newton then withdrew so much of his motion as proposed to lay on the table the substitute moved by Mr. Green.

The question now recurred on the said substitute; whereupon,

A call of the Convention was moved by Mr. Hyatt,

And, the roll being called, the following members were noted as being absent, to wit:

Absent—Messrs. Coalter, Gibbony, Pitt, and Wright.

Absent, with leave—Mr. Cannon.

On motion of Mr. Griffin,

All further proceedings under the call were dispensed with.

The question was now put on agreeing to the substitute proposed by Mr. Green in lieu of the 6th section, and was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acòck, Alexander, Applegate, Branstetter, Brown, Buford, Bunch, Ewing, Fulkerson, Gibbony, Green, Griffin, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Kincheloe, Marmaduke, McHenry, Mitchell, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wilcoxson, Woodson, and Young—33.

NOES—Messrs. Anderson, Bassett, Bevitt, Broadhead, Brooking, Campbell, Davis, Farquhar, Finch, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, James, Jones of Newton, Jones of Scotland, Leslie, Massey, Morrow, Pipkin, Pitt, Polk, Stewart, Stone, Wells, Wright, and Mr. President—31.

Absent—Mr. Coalter.

Absent with leave—Mr. Cannon.

So the substitute proposed by Mr. Green was adopted by the Convention in lieu of the 6th section of Article III, as reported by the committee on Legislative Power.

On motion,

The Convention took up sections 2, 3, 4, and 5 of said Article III, which were passed over on Wednesday last, and proceeded to the consideration of

Section 2. Whereupon,

Mr. Jackson of Howard moved to strike out the said Section 2.

And the question being put, was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Applegate, Branstetter, Broadhead, Buford, Bunch, Finch, Fulkerson, Gibbony, Green, Griffin, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wilcoxson, Young and Mr. President—35.

NOES—Messrs. Alexander, Anderson, Bassett, Bevitt, Brooking, Brown, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Jones of Franklin, Leslie, Massey, Pipkin, Pitt, Polk, Stewart, Stone, Wells, Woodson and Wright—29.

Absent—Mr. Coalter.

Absent with leave—Mr. Cannon.

So the Convention ordered the said Section 2 to be stricken out.

At this stage of the proceedings,

On motion of Mr. Ewing,

The Convention reconsidered the vote adopting the substitute moved by Mr. Green to Section 6.

And the question being again put on agreeing to said substitute, was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Branstetter, Brown, Buford, Bunch, Fulkerson, Gibbony, Green, Griffin, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Kincheloe, Marmaduke, McHenry, Mitchell, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wilcoxson and Young—32.

NOES—Messrs. Anderson, Bassett, Bevitt, Broadhead, Brooking, Campbell, Coalter, Davis, Ewing, Farquhar, Finch, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, James, Jones of Newton, Leslie, Massey, Morrow, Pipkin, Pitt, Polk, Stewart, Stone, Wells, Woodson, Wright, and Mr. President—33.

Absent with leave—Mr. Cannon.

And so the substitute proposed by Mr. Green in lieu of Section 6, and heretofore on this day adopted, was now rejected.

A motion was then made by Mr. Broadhead, that the Convention do reconsider the vote agreeing to the motion of Mr. Jackson of Howard, by which the 2d Section was stricken out.

Which was agreed to.

Whereupon, Mr. Jackson of Howard, by consent, withdrew his said motion to strike out the 2d Section.

The Convention then again postponed Sections 2, 3, 4, and 5, and returned to the consideration of Section 6. Whereupon,

Mr. Leslie moved that the said section 6 be committed to the committee of the whole, and made the order of the day for Monday next.

Which motion was,

On motion of Mr. Jones of Franklin, laid on the table.

On motion,

The amendment introduced by Mr. McHenry, to-day, as a substitute for the amendment proposed by Mr. Green, was taken up.

A motion was made by Mr. Stone, to strike out all of said amendment, and insert the following:

"Section 6. In making an apportionment under this Constitution, the ratio shall be ascertained by dividing the whole number of free white inhabitants in the State by *one hundred*. Counties having the ratio shall elect one representative. Counties having twice the ratio shall elect two representatives, and so on in the same manner. Counties having less than the ratio shall be put into compact districts to make the ratio; and such districts shall each elect one representative. And when a county having less than the ratio cannot be put into a compact district with some other county or counties having less than the ratio, such county shall be added to some adjoining county having more than the ratio, and the district thus formed shall elect as many members as it will be entitled to under the ratio."

A motion was now made by Mr. Acock, "that the amendment to the amendment do lie on the table."

And the question being put, was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bassett, Branstetter, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannel, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Tong, Ward, Wilcoxson and Mr. President—40.

NOES—Messrs. Anderson, Bevitt, Broadhead, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hickman, Hunt, Hunter, Hyatt, Leslie, Massey, Pitt, Polk, Stewart, Stone, Thomas, Wells, Woodson, Wright and Young—24.

Absent—Mr. Brooking.

Absent with leave—Mr. Cannon.

And, so the amendment moved by Mr. Stone to the substitute of Mr. McHenry, was laid on the table.

Mr. Jackson of Howard, now moved to amend the said substitute by striking out the words "twenty-five," and inserting in lieu thereof the words "not less than twenty-five nor more than thirty-three."

Which amendment was accepted by Mr. McHenry.

Mr. Hunt moved to amend the substitute, as modified, by adding thereto the following, to wit:

"Provided, that when any district contains two or more counties, and the ratio of free white inhabitants in each will allow, they shall have a separate representation."

Which amendment was rejected.

A motion was now made by Mr. Wright to amend the said substitute as modified, by striking out the words "not less than twenty-five nor more than thirty-three" and inserting in lieu thereof the word "twenty."

On this amendment the ayes and noes were demanded, and a division of the question was called for. Whereupon,

A motion was made by Mr. Acock, that the said amendment do lie on the table.

And the question being put, it was determined in the affirmative.

Mr. Young now proposed to amend the substitute as modified, by striking out the words "thirty-three."

And this amendment was,

On motion of Mr. Acock, also laid on the table.

The question was now put on agreeing to the substitute of Mr. McHenry, as modified, and it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bassett, Bevitt, Branstetter, Brown, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Pannell, Pipkin, Polk, Porter, Shields, Simpson, Thomas, Ward, and Wells—38.

NOES—Messrs. Anderson, Broadhead, Brooking, Buford, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Hickman, Hyatt, James, Jones of Franklin, Leslie, Nickel, Pitt, Simonds, Slack, Stewart, Stone, Tong, Wilcoxson, Woodson, Wright, Young, and Mr. President—27.

Absent on leave—Mr. Cannon.

And so it was ordered by the Convention, that the 6th Section of Article III. as reported by the committee on Legislative Power, be stricken out, and the amendment of Mr. McHenry, as modified, be substituted in lieu thereof.

The Convention then adjourned.

SATURDAY MORNING, DECEMBER 13.

Under the order of Thursday last,

Mr. President appointed

Messrs. Jones of Newton, Polk, Alexander, Kincheloe, and Campbell, as the Select committee to which were referred the petitions of sundry citizens of this State, praying the abolition of the license system.

Which said petitions were laid before the Convention by the President, and referred to the committee on Legislative Power on Tuesday last.

Section 7, of Article III, was announced as the subject under consideration. Whereupon,

On motion of Mr. McHenry,

The Convention again took up sections 2, 3, 4 and 5 of said Article 3, which were yesterday postponed.

Section 2 was then considered.

Mr. McHenry moved to strike out the said section; and the question being on agreeing to this motion, was put, and was determined in the affirmative by ayes and noes, as follows:

AYES—Messrs. Acock, Applegate, Bassett, Bevitt, Branstetter, Brook-
ing, Brown, Bunch, Finch, Fulkerson, Gibbony, Green, Griffin, Horine,
Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones
of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHen-
ry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter,
Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wells, Wilcox-
son and Mr. President—43.

NOES—Messrs. Alexander, Anderson, Broadhead, Buford, Campbell,
Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Hyatt, Jones
of Franklin, Leslie, Pitt, Stewart, Stone, Woodson, Wright and Young
—21.

Absent—Mr. Coalter.

Absent with leave—Mr. Cannon.

The second section being now stricken out,

Mr. Campbell proposed to insert, in lieu thereof, the following, to wit:

Section 2. The House of Representatives shall never contain more than one hundred and forty members, who shall be elected every second year by the qualified electors, and whose compensation shall not exceed two dollars per day; and after the sixtieth day of any session, it shall be only one dollar per day.

Which proposition having been read a first time, was objected to.

And the question was then on rejecting the same.

Mr. Jackson of Randolph, called for a division of the said question. Whereupon,

Mr. Campbell withdrew his proposition.

The Convention then adjourned till 2 o'clock, P. M.

EVENING SESSION.

Mr. Jones of Newton, proposed to insert, in lieu of the 2d Section, the following:

Section 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties, apportioned in the following manner, to wit:

The ratio of representation shall be ascertained by dividing the whole number of white inhabitants of the State by a divisor, to be determined by each apportioning session of the Legislature, and which shall never exceed the number *one hundred*.

Each county having three-fifths of said ratio shall be entitled to one representative; Each county having said ratio, and a fraction over equal to two-thirds, shall be entitled to two representatives. Each county having twice said ratio, and a fraction over equal to two-thirds, shall be entitled to three representatives. Each county having four times said ratio, shall be entitled to four representatives, and so on above that number, giving one additional member for each additional ratio. And when any county entitled to more than two representatives, shall have a town or city therein, with the full amount of said ratio, such town or city shall be entitled to a separate representation from the county; provided, the residue of the county shall amount to the ratio; and in such case the town or city shall be divided into as many separate and equal districts, as the number of members apportioned to such town or city; which division shall be made by the tribunal transacting county business in the county, as soon after each apportionment as is practicable, and shall not be changed until after the succeeding apportionment; each of which districts shall elect one representative; provided, however, that when any county having less than three-fifths of said ratio shall not be contiguous to any other county with less than three fifths thereof, such county shall nevertheless be entitled to one representative; and in all other cases of small counties less than three-fifths, they shall be formed into districts containing two-thirds of said ratio, and shall be entitled to one member for the same.

This proposition was read a first time; and objections being made,

The question was put on the rejection thereof, and was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Broadhead, Coalter, Davis, Ewing, Farquhar, Finch, Fulkerson, Horine, Hunt, Hunter, Jackson of Howard, Jones of Scotland, Marmaduke, McHenry, Mitchell, Neaves, Pannell, Pipkin, Polk, Porter, Shields, Simpson, Stewart, Stone, and Wells—27.

NOES—Messrs. Acock, Applegate, Branstetter, Brooking, Brown, Buford, Bunch, Campbell, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Massey, Morrow, Nickel, Pitt, Simonds,

Slack, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President—35.

Absent—Mr. Bassett.

Absent on leave—Mr. Cannon.

Sick—Messrs. Bevitt, and Forshey.

The said proposition was then read a second time; whereupon, Mr. Brown moved to amend the same by substituting therefor the following, to wit:

“The general assembly, at their first session, and every four years thereafter, shall cause an enumeration of all the white inhabitants of this State to be made; and at the first session after such enumeration, shall apportion the number of representatives among the several counties according to the number of white inhabitants therein; but the whole number of representatives shall never exceed one hundred.”

Which amendment was read a first time, and objections being made, was rejected.

Mr. Thomas then moved to amend the proposition of Mr. Jones of Newton, by adding thereto the following, to wit:

“And provided further, that after the second enumeration under this Constitution, the “three-fifths” and “two-thirds” herein contained, shall cease and determine, and “three-fourths” shall be adopted and shall govern in lieu thereof.”

Which amendment was read a first time; and objections being made, The question was put on the rejection thereof, and was determined in the negative.

The said amendment was then read a second time and agreed to.

Mr. James then moved to amend the proposition as amended, by adding the following, to wit:

“Provided, that when any county shall have and be entitled to one or more representatives, and said county shall have a fraction of four hundred and over, it shall be taken to any county adjoining the same, which, if added to the number of inhabitants will make up three-fifths of said ratio, then and in that case said county shall be entitled to elect a separate member; provided, that it shall not extend longer than to the second apportionment.”

Which amendment having been read a first and second time, was rejected.

Mr. Applegate now moved to amend the said proposition, as amended, by striking out all thereof, and inserting the following, to wit:

The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties, and the Representatives shall be chosen in the following manner:

The ratio of representation shall be ascertained and determined by dividing the whole number of white inhabitants of the State by the number *one hundred*.

Each county having three-fourths of the ratio, shall be entitled to elect one representative.

Each county having the ratio, and a fraction of three-fourths of the ratio, shall be entitled to elect two representatives.

Each county having twice the ratio, and a fraction of three-fourths of the ratio, shall be entitled to elect three representatives.

Each county having three times the ratio, and a fraction of three-fourths of the ratio, shall be entitled to elect four representatives.

And each county having four times the ratio, and upwards, shall be entitled to elect as many representatives as said county may contain the ratio.

If any county contain less than three-fourths of the ratio, it shall be attached to some adjoining county or counties, neither of which shall contain three-fourths of the ratio, so as to constitute a compact election district, which shall contain white inhabitants at least equal to three-fourths of the ratio, and shall elect one representative.

When any county shall contain less than three-fourths of the ratio, and shall not adjoin some other county containing less than three-fourths of the ratio, it shall elect one representative, provided it shall contain two-thirds of the ratio.

And no county, which may hereafter be created, shall be entitled to a representative, unless it shall contain white inhabitants equal to the ratio of representation at the time.

Which amendment was read a first and second time.

A motion was then made by Mr. Pipkin that the whole subject be referred to a committee chosen by the President from the different portions of the State, composed of fifteen members, whose duty it shall be to report a plan to equalize representation.

This motion was,

On motion of Mr. Massey, laid on the table.

The question recurring on agreeing to the amendment moved by Mr. Applegate, was put, and was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Anderson, Applegate, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Coakter, Davis, Ewing, Foster, Gentry, Hickman, Hunt, Hyatt, Jones of Franklin, Leslie, Pipkin, Pitt, Polk, Porter, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young—30.

NOES—Messrs. Acock, Alexander, Bassett, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Shields, Simonds, Simpson, Slack, Stewart, Tong, Wilcoxson, and Mr. President—33.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Bevitt, and Forshey.

Mr. Acock then moved to amend the proposition, as amended, by adding thereto the following, to wit:

"*Provided*, that any county having a population of twenty-two hundred white inhabitants, shall be entitled to one representative at the first apportionment; and all counties having a population of three thousand white inhabitants, shall forever have at least one representative."

Objections were made to this amendment, and the question was put, "shall the amendment be rejected?"

And it was determined in the affirmative.

The question now recurred on the proposition, as amended,

And, being divided,

It was put, *first*, on agreeing to the original proposition, and was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Applegate, Bassett, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Ewing, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Massey, Morrow, Neaves, Pannell, Pitt, Polk, Simonds, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young and Mr. President—40.

NOES—Messrs. Alexander, Anderson, Coalter, Davis, Farquhar, Finch, Fulkerson, Horine, Hunt, Hunter, Jackson of Howard, Jones of Scotland, Leslie, Marmaduke, McHenry, Mitchell, Nickel, Pipkin, Shields, Simpson, Stewart, and Wells—22.

Absent—Mr. Porter.

Absent with leave—Mr. Cannon.

Sick—Messrs. Bevitt, and Forshey.

The question was then put, *secondly*, on agreeing to the amendment to the said proposition;

And it was also determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Coalter, Davis, Ewing, Foster, Gentry, Gibbony, Hickman, Horine, Hunt, Hyatt, Jackson of Randolph, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Pannell, Pitt, Polk, Porter, Shields, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Woodson, Wright, and Young—37.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Bunch, Farquhar, Finch, Fulkerson, Green, Griffin, Hunter, Jackson of Howard, James, Jones of Scotland, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pipkin, Simonds, Simpson, Wilcoxson, and Mr. President—26.

Absent with leave—Mr. Cannon.

Sick—Messrs. Bevitt, and Forshey.

And so it was ordered that the proposition moved by Mr. Jones of Newton, as amended by Mr. Thomas, be inserted as the second section of Article III, as reported by the committee on Legislative Power.

The Convention then adjourned.

MONDAY MORNING, DECEMBER 15.

The special order of the day, consisting of the resolutions instructing the committee on Judicial Power, moved by Messrs. Leslie and Hunt, were passed over and made the order of the day for Wednesday next.

The Convention then proceeded to the consideration of the unfinished business of Saturday.

Section 3 of Article III was then taken up.

Mr. Simonds moved to amend the said section, by striking out all thereof, and inserting the following, to wit:

Sec. 3. Representation shall be equal and uniform in this State, and shall be regulated by the free white inhabitants permanently residing therein, and so apportioned as to give, to each such resident inhabitant, as near as may be, an equal influence in the legislation thereof.

This amendment was read a first and second time, and,

The question being on agreeing thereto, was divided,

And put, *first*, on striking out section 3;

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Branstetter, Brook-
ing, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gib-
bony, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Ran-
dolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie,
Marmaduke, Massey, Mitchell, Morrow, Neaves, Pitt, Shields, Si-
monds, Simpson, Slack, Stewart, Thomas, Tong, Wilcoxson, Woodson,
and Young—39.

NOES—Messrs. Anderson, Bevitt, Broadhead, Campbell, Ewing,
Foster, Gentry, Green, Hickman, Hunt, Hyatt, Jones of Newton, Mc-
Henry, Nickel, Pipkin, Polk, Porter, Stone, Ward, Wells, and Mr.
President—21.

Absent—Messrs. Bassett, Coalter, and Wright.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pannell.

The question being now, *secondly*, on inserting the substitute,

A motion was made by Mr. Shields to amend the same, by striking out all thereof, and inserting the following, to wit :

“Representation shall be equal and uniform in this State, and shall be forever regulated and ascertained by the white inhabitants therein, and so apportioned as to give, as near as possible, to each white inhabitant in the State, an equal voice in the legislation thereof.”

Which amendment was agreed to.

Mr. Jackson of Howard, proposed to amend the substitute, as amended, by striking out all thereof, and inserting the following, to wit :

“Representation shall be based upon the free white permanent inhabitants of the State.”

Whereupon,

A motion was made by Mr. Marmaduke that the substitute, as amended, and the proposed amendment thereto, do lie on the table.

And the question being put on agreeing to this motion, was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock, Applegate, Branstetter, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Porter, Simonds, Simpson, Slack, Stewart, Tong, Ward, and Wilcoxson—36.

NOES—Messrs. Alexander, Anderson, Bevitt, Broadhead, Brooking, Campbell, Coalter, Ewing, Foster, Gentry, Hickman, Hunt, Hyatt, Leslie, Morrow, Pipkin, Pitt, Polk, Shields, Stone, Thomas, Wells, Woodson, Wright, Young, and Mr. President—26.

Absent—Mr. Bassett.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pannell.

Section 4 was then taken up, and

A motion was made by Mr. Polk to amend said section, by adding thereto the following, to wit :

“Within one year next preceding his election.”

Which amendment was read a first and second time.

A motion was then made by Mr. Shields “that the amendment proposed by Mr. Polk do lie on the table;”

And the question being put, was decided in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Branstetter, Brooking, Brown, Buford, Bunch, Davis, Farquhar, Fulkerson, Griffin, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, McHenry, Mitchell, Mor-

row, Neaves, Nickel, Pitt, Porter, Shields, Simonds, Slack, Tong, Ward, Woodson, Young, and Mr. President—33.

NOES—Messrs. Acock, Anderson, Applegate, Bassett, Bevitt, Broadhead, Campbell, Ewing, Finch, Foster, Gentry, Gibbony, Hickman, Horine, Hunt, Hunter, Hyatt, Leslie, Pipkin, Polk, Simpson, Stewart, Stone, Wells, Wilcoxson, and Wright—26.

Absent—Messrs. Coalter, Green, Massey, and Thomas.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pannell.

Mr. Pitt moved to amend section 4, by striking out the words “and who shall not, moreover, have paid a State or county tax.”

A motion was made by Mr. Jones of Franklin, “that the foregoing amendment do lie on the table.”

And the question being put on agreeing thereto, was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Buford, Bunch, Campbell, Davis, Ewing, Foster, Fulkerson, Gibbony, Hickman, Horine, Hunter, Jones of Franklin, Marmaduke, McHenry, Mitchell, Nickel, Pipkin, Polk, Shields, Simonds, Simpson, Stone, Thomas, Wilcoxson, Wright, Young, and Mr. President—34.

NOES—Messrs. Acock, Bassett, Brown, Farquhar, Finch, Gentry, Green, Griffin, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Morrow, Neaves, Pitt, Porter, Slack, Tong, Ward, Wells, and Woodson—26.

Absent—Messrs. Coalter, Leslie, and Stewart.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pannell.

So the amendment moved by Mr. Pitt, was ordered to lie on the table.

Mr. McHenry then proposed the following amendment to section 4, to wit:

Strike out the word “county,” wherever it occurs, and insert the word “district” in lieu thereof; and strike out the word “counties,” wherever it occurs, and insert in lieu thereof the word “districts.”

Which amendment was read a first time, and objected to;

And the question was on the rejection thereof, when,

On motion of Mr. Shields,

Section 4, and the amendment proposed thereto, were postponed for the present.

Mr. Pitt moved a reconsideration of the vote postponing the said section and amendment;

And the question being put on agreeing thereto, was determined in the negative.

Section 5 was then taken up, and

Mr. Shields moved to amend the same by striking out the words "qualified electors," in the second line, and inserting in lieu thereof, the words "white inhabitants."

Which amendment was read a first and second time; when

Mr. Jackson of Howard moved to amend the same by inserting the word "permanent" before the word "white," in the second line.

A motion was then made by Mr. Jones of Newton, "that the amendment, and the amendment thereto, do lie on the table;"

And the question being put on agreeing thereto,

Was determined in the negative.

The question recurred on agreeing to the amendment proposed by Mr. Jackson of Howard to the amendment, and being stated, was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bassett, Branstetter, Buford, Bunch, Davis, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pitt, Porter, Simonds, Simpson, Slack, Stewart, Ward, Wilcoxson, Young, and Mr. President—39.

NOES—Messrs. Anderson, Bevitt, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Foster, Gentry, Hickman, Hunt, Hyatt, Leslie, Pipkin, Polk, Shields, Stone, Thomas, Tong, Wells, Woodson, and Wright—23.

Absent—Mr. Farquhar.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pannell.

Mr. Woodson then moved to amend the amendment as amended by inserting the word "free" between the word "permanent" and the word "white."

Which amendment was rejected.

The amendment moved by Mr. Shields, as amended by Mr. Jackson of Howard, was then agreed to.

Mr. McHenry now moved to amend Section 5, as amended, by striking out all thereof and inserting the following, to wit:

"The General Assembly, at their second session, and every fourth

year thereafter, shall cause an enumeration of the permanent white inhabitants of this State to be made, and shall apportion representation agreeably to the provisions of the sixth section."

This amendment was read a first time and objected to.

The question was then on rejecting the same, and pending the consideration thereof,

A motion was made by Mr. McHenry "that section 5 and the amendments thereto, be postponed for the present."

And the question being put, it was determined in the affirmative.

A motion was now made by Mr. Jones of Newton,

"That the Convention do reconsider the vote of Friday last on the adoption of the substitute for Section 6, as moved by Mr. McHenry, and amended by Mr. Jackson of Howard."

The question was put,

"That the Convention do reconsider said vote,"

And was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Ewing, Foster, Gentry, Gibbony, Green, Hickman, Hyatt, Jackson of Randolph, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Nickel, Pipkin, Pitt, Polk, Simonds, Slack, Stewart, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President—36.

NOES—Messrs. Acock, Alexander, Bassett, Bevitt, Branstetter, Coalter, Davis, Farquhar, Finch, Fulkerson, Griffin, Horine, Hunt, Hunter, Jackson of Howard, James, Jones of Scotland, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Porter, Shields, Simpson, and Wells—27.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey and Pannell.

The vote being reconsidered, the question recurred on the said substitute as amended. Whereupon,

On motion of Mr. Jones of Newton, the same was laid on the table.

A motion was now made by Mr. Simonds,

That the Convention adjourn until half past two o'clock, P. M.

Which motion was disagreed to.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SESSION.

A motion was made by Mr. Thomas, that the Convention do reconsider the votes by which were adopted, on Saturday last, the proposition of Mr. Jones of Newton, and the amendment thereto moved by Mr. Thomas; which said proposition and amendment were on that day inserted in lieu of the 2d Section of Article III, as reported by the committee on Legislative Power.

Pending the consideration of this motion,

On motion of Mr. Jones of Newton,

A call of the Convention was ordered.

And the roll being called, the following members were noted as being absent, to wit:

Absent—Messrs. Coalter, Gibbony, Pitt and Wells.

Absent with leave—Mr. Cannon.

Sick—Mr. Forshey.

The absentees were sent for, and having made their appearance,

All further proceedings under the call were dispensed with.

A motion was now made by Mr. Marmaduke, that the motion of Mr. Thomas for a reconsideration, do lie on the table.

And the question being put,

Was determined in the negative.

The question recurred on the motion of Mr. Thomas, and was put, *First*, "That the Convention do reconsider the vote on the amendment of Mr. Thomas to the proposition of Mr. Jones of Newton."

And it was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Scotland, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Simpson, Stewart, Tong, Ward, Wells, and Wilcoxson—40.

NOES—Messrs. Broadhead, Brooking, Campbell, Coalter, Ewing, Foster, Gentry, Green, Hickman, Hunt, Hyatt, Jones of Franklin, Jones of Newton, Kincheloe, Pipkin, Pitt, Polk, Slack, Stone, Thomas, Woodson, Wright, Young, and Mr. President—24.

Absent, with leave—Mr. Cannon.

Sick—Mr. Forshey.

The said vote being reconsidered,

The question was again put on agreeing to the said amendment,

And was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Bevitt, Branstetter, Broadhead, Brooking, Brown, Campbell, Coalter, Davis, Ewing, Foster, Gentry, Hickman, Hunt, Hyatt, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Marmaduke, Pitt, Polk, Stewart, Stone, Thomas, Wells, Woodson, Wright, Young, and Mr. President—30.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Buford, Bunch, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Scotland, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Tong, Ward, and Wilcoxson—34.

Absent, with leave—Mr. Cannon.

Sick—Mr. Forshey.

And so the amendment was lost.

The question was then, *Secondly*, on so much of the motion of Mr. Thomas, as proposed a reconsideration of the vote on the proposition of Mr. Jones of Newton.

Pending which,

A motion was made by Mr. Hunter, "that the Convention do pass over all intervening sections, and proceed to the consideration of Section 12."

And the question being stated, it was determined in the negative.

A motion was now made by Mr. Polk, that the Convention do adjourn.

And the question being put, was determined in the negative.

After debate,

Mr. Hyatt renewed the motion that the Convention do adjourn.

And the question being put, was again determined in the negative.

The question now recurred,

"That the Convention do reconsider the vote of Saturday last agreeing to the proposition of Mr. Jones of Newton."

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Bassett, Bevitt, Broadhead, Coalter, Davis, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Jones of Franklin, Leslie, Marmaduke, Nickel, Pannell, Pipkin, Pitt, Polk, Shields, Simpson, Stewart, Stone, Thomas, Wells, Woodson, Wright, and Young—30.

NOES—Messrs. Acock, Applegate, Branstetter, Brooking, Brown, Buford, Bunch, Campbell, Ewing, Finch, Fulkerson, Gibbony, Green, Griffin, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Porter, Slack, Tong, Ward, Wilcoxson, and Mr. President—32.

Absent—Mr. Farquhar.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and Simonds.

So the Convention refused to reconsider the vote adopting the proposition of Mr. Jones of Newton, and consequently said proposition stands as the 2d Section of Article III, as reported by the committee on Legislative Power.

The Convention then adjourned.

TUESDAY MORNING, DECEMBER 16.

Section 7, of Article III, was announced as the subject under consideration.

A motion was made by Mr. Young, "that the Convention do pass over all intervening sections, and proceed to the consideration of section 12."

And the question being stated,

Was determined in the negative.

A motion was then made by Mr. Jackson of Howard, "that section 5, as amended, together with the amendment proposed thereto by Mr. McHenry, which were, on yesterday, postponed, be now taken up for consideration."

And the question being put,

Was determined in the affirmative.

The question recurred on the rejection of the amendment moved by Mr. McHenry to said section, as amended ;

Pending which,

A motion was made by Mr. Jackson of Howard "that the said amendment do lie on the table;"

And the question being stated,

Was determined in the affirmative.

A motion was now made by Mr. Green to amend section 5, as amended, by striking out all thereof, and inserting the following, to wit: —

Sec. 5. The General Assembly, at their first session after the adoption of this Constitution, shall cause an enumeration of the permanent white inhabitants of this State to be made; and, at the first session after the enumeration, shall apportion the number of representatives among the several counties, as directed by the second section of this Article. And every fourth year thereafter, they shall cause a like enumeration to be made, and shall apportion the representatives among the several counties, according to the same section, except that two-thirds of the ratio shall be required, instead of three-fifths, to entitle a county to one member.

The question was on agreeing to the foregoing amendment; and being put,

Was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Coalter, Davis, Ewing, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kinche-loe, Leslie, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, and Mr. President—54.

NOES—Messrs. Alexander, Anderson, Foster, Gentry, Hickman, Horine, Stewart, Wells, and Young—9.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

So it was ordered that section 5, as amended, be stricken out, and that the substitute proposed by Mr. Green be inserted in lieu thereof.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Convention proceeded to the consideration of section 7; whereupon,

A motion was made by Mr. Polk to amend the said section, by adding thereto the words following, to wit :

“Within one year next preceding his election.”

Which amendment was read a first and second time, and agreed to.

Mr. Brown moved to amend said section, as amended, by inserting after the word “years,” in the sixth line, the words “next preceding his election.”

This amendment was read a first and second time, and agreed to.

Mr. Pitt moved to amend said section, as amended, by striking out all after the word “taken,” in the eleventh line.

Which amendment was read a first and second time, and rejected.

Section 7, as amended, was then agreed to.

Section 8 was then considered; whereupon,

Mr. Brown moved to amend the same by inserting after the word “district,” in the thirteenth line, the words “nor shall said district, so composed of two or more counties, be entitled to more than one member.”

Which amendment was read a first and second time, and agreed to; whereupon,

On motion of Mr. Young,

A reconsideration of the vote on the foregoing amendment was ordered.

Mr. Ewing then moved to amend the amendment by striking out the word "member" and inserting the word "Senator;"

Which amendment was accepted by Mr. Brown.

The amendment, as modified, was then agreed to.

Mr. Wilcoxson moved to amend the said section, ~~as amended~~, by striking out the words "qualified electors," and inserting the words "permanent white inhabitants."

Which amendment was read a first and second time, and agreed to.

Mr. Simpson then moved to amend the said section, as amended, by striking out the word "fourteen," in the second line, and inserting the words "twenty-five."

Which amendment, having been read a first and second time, was agreed to.

Mr. Polk now moved to amend the said section, as amended, by inserting the word "such" next before the words "a district."

Which amendment was read a first and second time, and agreed to.

Section 8, as amended, was then agreed to.

Section 9 was then considered, and agreed to.

Section 10 was next taken up for consideration.

A motion was made by Mr. Massey to amend said section by striking out the word "seven," and inserting the word "nine."

Which amendment was read a first and second time, and rejected.

Mr. Broadhead then moved to amend said section by striking out the words "first Monday of August," and inserting the words "first Monday of October."

Which amendment was read a first and second time, and rejected.

Mr. Massey now moved to amend the said section by striking out the word "seven," and inserting the word "six."

Which amendment was read a first and second time, and rejected.

A motion was then made by Mr. Gentry "that the Convention do reconsider the vote by which was rejected the motion of Mr. Massey to amend section 10, by striking out the word "seven" and inserting the word "nine."

And the question being put,

Was determined in the affirmative.

The said vote being reconsidered,

The question recurred on agreeing to said motion to amend,

And was determined in the negative.

Mr. Wilcoxson then moved to amend said section 10, by striking out the word "seven," and inserting the word "eight;"

Which was agreed to.

Section 10, as amended, was then agreed to.

Section 11 was then considered and agreed to.

Section 12 was next taken up for consideration.

Mr. Foster moved to amend said section, by inserting the words "as a citizen," after the word "State," in the third line.

Which amendment was read a first and second time, and,

The question being put on agreeing thereto,

Was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Broadhead, Brooking, Campbell, Ewing, Foster, Gentry, Gibbony, Hickman, Hyatt, Stone, Woodson, and Young—13.

NOES—Messrs. Acock, Alexander, Applegate, Bevitt, Branstetter, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, and Mr. President—47.

Absent—Messrs. Bassett, Hunter and Wright.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

Mr. Jones of Newton then moved to amend said Section 12, by striking out the words "one year" in the fourth line, and inserting the words "eight months."

Mr. Pitt moved to amend said amendment by striking out the word "eight" and inserting the words "seven and a half."

A motion was then made by Mr. Brown "that the amendment moved by Mr. Jones of Newton, and the amendment moved thereto by Mr. Pitt, do lie on the table."

And the question being put,

Was determined in the affirmative.

Section 12 was then agreed to.

Section 13 was next considered and agreed to.

Section 14 was now taken up for consideration.

Mr. Morrow moved to amend said section by striking out the word "until" in the fourth line of the printed copy, and inserting the word "unless" in lieu thereof; and by inserting between the words "shall" and "have" the words "prior to his election or appointment."

Which amendment was read a first and second time, and agreed to.

Section 14, as amended, was then agreed to.

Section 15, was then considered.

A motion was made by Mr. Broadhead, that the whole of said section be stricken out.

Which was read a first time, and being objected to,

The question was "shall the amendment be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Bevitt, Brooking, Brown, Buford, Campbell, Davis, Ewing, Farquhar, Foster, Fulkerson, Gentry, Gibbony, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Kincheloe, Marmaduke, Massey, Mitchell, Neaves, Nickel, Pipkin, Slack, Thomas, Ward, Wilcoxson, and Woodson—33.

NOES—Messrs. Acock, Applegate, Branstetter, Broadhead, Bunch, Coalter, Finch, Green, Horine, Hunt, Jones of Newton, Jones of Scotland, Leslie, Pannell, Pitt, Polk, Porter, Shields, Simonds, Simpson, Stewart, Stone, Tong, Wells, Young, and Mr. President—26.

Absent—Messrs. Bassett, Griffin, Morrow and Wright.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

Mr. Hickman now moved to amend said Section 15, by striking out all after the word "Assembly" in the fourth line.

And the question being put on agreeing thereto,

Was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Anderson, Applegate, Branstetter, Broadhead, Coalter, Ewing, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Neaves, Pitt, Polk, Porter, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Tong, Wells, Young, and Mr. President—32.

NOES—Messrs. Alexander, Bevitt, Brooking, Brown, Buford, Bunch, Campbell, Davis, Farquhar, Finch, Foster, Fulkerson, Gentry, Gibbony, Hunter, Jackson of Randolph, James, Kincheloe, Marmaduke, Massey, Mitchell, Morrow, Nickel, Pannel, Pipkin, Slack, Ward, Wilcoxson and Woodson—29.

Absent—Messrs. Bassett and Wright.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

Section 15, as amended, was then agreed to.

Section 16, was now considered and agreed to.

Section 17 was next considered.

Mr. Brown moved to amend said section by inserting after the word "bribe" in the second line, the words "in meats, drinks or money."

Which amendment was read a first and second time, and

On motion of Mr. Jones of Newton,

Laid on the table.

Mr. Ewing then moved to amend said Section 17, by striking out the words "for ten years" in the last line.

Which amendment was read a first and second time and agreed to.

A motion was then made by Mr. Anderson to amend said Section, as amended, by striking out all thereof, and inserting the following as a substitute, to wit:

"Every person who shall be convicted of having, directly or indi-

rectly, given or offered any bribe to procure his election or appointment; or any person who shall give or offer any bribe to procure the election or appointment of any other person, shall, on conviction thereof, be disqualified for an elector, or for any office of honor, trust or profit under this State."

Which amendment was read a first and second time, and agreed to. Section 18 was then taken up.

A motion was made by Mr. Pitt, to amend the said section, by striking out all thereof, and inserting the following substitute, to wit:

Section 18. No senator or representative shall, during the term for which he shall have been elected, be eligible to any civil office under this State, during said term, except such offices as shall be filled by elections by the people.

Which amendment was read a first time, and being objected to,

The question was put, "Shall the amendment be rejected?"

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Acock, Brooking, Bunch, Farquhar, Green, Griffin, Hunter, Jackson of Howard, Jackson of Randolph, Kincheloe, Leslie, Mitchell, Neaves, Pannell, Shields, Simpson, Slack, and Woodson—18.

NOES—Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brown, Buford, Campbell, Coalter, Davis, Ewing, Finch, Foster, Fulkerson, Gentry, Gibbony, Hickman, Horine, Hunt, Hyatt, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, Massey, Morrow, Nickel, Pipkin, Pitt, Polk, Porter, Simonds, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Young, and Mr. President—43.

Absent—Messrs. Bassett and Wright.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

A motion was now made by Mr. Branstetter, that the Convention do adjourn.

And the question being stated,

Was determined in the negative.

The amendment moved by Mr. Pitt, was then read a second time and agreed to.

Section 19 was then taken up and agreed to.

Section 20 was next considered.

Mr. Jackton of Randolph moved to amend said section by striking out the words "except such parts as may in their opinion require secrecy."

Which amendment was read a first and second time,

And the question being taken on agreeing thereto, was put;

And was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Finch, Green, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, Morrow, Pannel, Porter, Simonds, Slack, Tong, Wilcoxson, and Young—19.

NOES—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Coalter, Davis, Ewing, Farquhar, Foster, Fulkerson, Gentry, Gibbony, Griffin, Hickman, Horine, Hunt, Hunter, Hyatt, Jones of Newton, Mitchell, Neaves, Nickel, Pipkin, Pitt, Polk, Shields, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, and Mr. President—42.

Absent—Messrs. Bassett and Wright.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

The Convention then adjourned.

WEDNESDAY MORNING, DECEMBER 17.

On motion of Mr. Anderson,

The special orders of the day, to wit: the resolutions of Messrs. Hunt and Leslie, proposing to instruct the committee on Judicial Power, were passed over for the present.

On motion of Mr. Thomas,

Resolved, That the Public Printer be required to furnish the Secretary with a printed copy of the Journal, in the same manner it is furnished to the members of the Convention.

The Convention resumed the consideration of Section 20, of Article III; whereupon,

The said section was agreed to.

Section 21 was then considered.

Mr. Green moved to amend said Section by striking out the words "except in cases which may require secrecy."

Which amendment was read a first and second time and rejected.

Mr. Morrow then moved to amend said section by inserting between the words "may" and "require," in the second line of the printed copy, the following words, to wit:

"In their opinion in time of war, insurrection or rebellion."

Which amendment was read a first and second time.

A motion was made by Mr. Wright, that the said amendment do lie on the table.

And the question being put, was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Broadhead, Brooking, Buford, Bunch, Coalter, Ewing, Foster, Fulkerson, Gentry, Gibbony, Hickman, Hunt, Hunter, Hyatt, Leslie, Marmaduke, Massey, Mitchell, Nickel, Pannell, Pipkin, Pitt, Polk, Shields, Simpson, Stone, Thomas, Tong, Ward, Wells, Woodson, Wright, and Young—38.

NOES—Messrs. Bassett, Branstetter, Brown, Campbell, Davis, Farquhar, Finch, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Morrow, Neaves, Porter, Simonds, Slack, Wilcoxson, and Mr. President—24.

Absent—Mr. Stewart.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

Mr. Jackson of Howard, then moved to amend said Section 21, by inserting after the word "secrecy" the following words, to wit:
 "Provided, that the doors of the Senate shall not be closed, when acting on nominations made to that body by the Governor."

Which amendment having been read a first and second time,

A motion was made by Mr. Coalter, that the same do lie on the table.

And the question being put, was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Broadhead, Brooking, Buford, Coalter, Ewing, Foster, Fulkerson, Gentry, Gibbony, Hickman, Hunt, Hunter, Hyatt, Leslie, Marmaduke, Massey, Mitchell, Nickel, Pipkin, Pitt, Polk, Shields, Simpson, Stone, Tong, Ward, Wells, Woodson, Wright, and Young—35.

NOES—Messrs. Bassett, Branstetter, Brown, Bunch, Campbell, Davis, Farquhar, Finch, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Morrow, Neaves, Pannell, Porter, Simonds, Slack, Wilcoxson, and Mr. President—26.

Absent—Messrs. Stewart, and Thomas.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

Section 21 was then agreed to.

Section 22 was then considered and agreed to.

Section 23 was then taken up.

Mr. Neaves moved to amend said section, by striking out the words "may originate in either House," and inserting in lieu thereof the words "shall only originate in the lower branch of the Legislature."

This amendment was read a first and second time.

And the question was on agreeing thereto, and being put,

Was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Bevitt, Broadhead, Bunch, Campbell, Coalter, Davis, Finch, Foster, Horine, Hunt, Hunter, James, Marmaduke, Neaves, Pipkin, Porter, Slack, and Wells—18.

NOES—Messrs. Acock, Alexander, Anderson, Applegate, Branstetter, Brooking, Brown, Buford, Ewing, Farquhar, Fulkerson, Gentry, Gibbony, Green, Hickman, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Mitchell, Morrow, Nickel, Pannell, Pitt, Polk, Simonds, Simpson, Stewart, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President—42.

Absent—Messrs. Bassett, Griffin and Shields.

Absent, on leave—Mr. Cannon.

Sick—Forshey and McHenry.

Mr. Polk now moved to amend said section 23, by inserting after the word "other" in the second line, the words "except bills for raising revenue, which shall originate only in the House of Representatives."

Which amendment was read a first and second time and agreed to.

Mr. Young moved to amend said section as amended, by inserting after the word "representatives" where it first occurs, the words "but no bill shall be originated in one house, when a bill on the same subject is under consideration in the other house."

Which amendment was read a first and second time, and was rejected.

Section 23, as amended, was then agreed to.

Sections 24 and 25 were then considered and agreed to.

Section 26 was next taken up.

Mr. Wells moved to amend said section, by striking out all thereof, and inserting the following as a substitute, to wit:

"The members of the General Assembly shall receive for their services not exceeding three dollars per day, for the first forty days of their respective sessions, and after that time one dollar per day for the residue of the session."

Which amendment was read a first and second time.

Mr. Simonds moved to amend said amendment by striking out the word "forty" and inserting the word "sixty."

Which, having been read a first time and objected to,

The question was on rejecting the same;

Pending which,

A motion was made by Mr. Jones of Newton, that the amendment, and the amendment to the amendment, do lie on the table.

And the question being put,

It was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Acock, Alexander, Applegate, Branstetter, Broadhead, Brooking, Brown, Buford, Davis, Farquhar, Fulkerson, Gentry, Gibbony, Green, Hunt, Hunter, Jones of Newton, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Neaves, Nickel, Pipkin, Pitt, Shields, Simonds, Simpson, Thomas, and Ward—31.

NOES—Messrs. Anderson, Bevitt, Bunch, Campbell, Coalter, Ewing, Finch, Foster, Griffin, Hickman, Horine, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Morrow, Pannell, Polk, Porter, Slack, Stewart, Stone, Tong, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President—31.

Absent—Mr. Bassett.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

The question recurred, "Shall the amendment to the amendment be rejected?"

And being put, it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Buford, Campbell, Coalter, Ewing, Finch, Foster, Fulkerson, Gentry, Gibbony, Hickman, Hunt, Hunter, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, Massey, Mitchell, Morrow, Neaves, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Stewart, Thomas, Tong, Ward, Wells, Woodson and Wright—45.

NOES—Messrs. Brown, Bunch, Davis, Farquhar, Green, Griffin, Horine, Jackson of Howard, Kincheloe, Nickel, Pannell, Simonds, Slack, Stone, Wilcoxson, Young and Mr. President—17.

Absent—Mr. Bassett.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

The question now recurred on the amendment moved by Mr. Wells.
Pending which,

A motion was made by Mr. Ward, that the said amendment be indefinitely postponed.

And the question being put, was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Branstetter, Broadhead, Brooking, Brown, Buford, Farquhar, Fulkerson, Gentry, Gibbony, Green, Griffin, Hunt, Hunter, Jackson of Howard, Jones of Newton, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Neaves, Nickel, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Thomas, Ward, Wright, and Mr. President—35.

NOES—Messrs. Anderson, Bevitt, Bunch, Campbell, Coalter, Davis, Ewing, Finch, Foster, Hickman, Horine, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Morrow, Pannel, Porter, Slack, Stewart, Stone, Tong, Wells, Wilcoxson Woodson, and Young—27.

Absent—Mr. Bassett.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

Mr. Slack now moved to amend said Section 26, by striking out the words "and no session shall continue longer than sixty days," and inserting in lieu thereof the words "and they shall receive full pay for sixty days, and one third pay for the balance of the session; provided, that at each revising session, they shall receive full pay for ninety days."

A motion was made by Mr. Morrow, that the said amendment do lie on the table.

And the question being put, was decided in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Coalter, Davis, Ewing, Farquhar, Finch, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Morrow, Neaves, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Stewart, Stone, Thomas, Tong, Ward, Woodson, Wright, and Mr. President—52.

NOES—Messrs. Campbell, Fulkerson, Horine, Hunter, Nickel, Simonds, Slack, Wells, Wilcoxson, and Young—10.

Absent—Mr. Bassett.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey and McHenry.

Mr. Jones of Franklin now moved to amend said Section 26, by adding to the end thereof the words "except the revising sessions."

Which amendment was read a first time; and objections being made, The question was put, "shall the amendment be rejected?" And it was determined in the affirmative.

The Convention then adjourned until half past 2 o'clock, P. M.

EVENING SESSION.

The Convention resumed the consideration of Section 26, of Article III.

Mr. Leslie moved to amend the said Section by striking out the following words at the end thereof, to wit:

"And no session shall continue longer than sixty days."

Which amendment was read a first time; and objections being made, The question was "Shall the amendment be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Ewing, Farquhar, Finch, Foster, Fulkerson, Gibbony, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Shields, Simpson, Stewart, Stone, Thomas, Tong, Wells, Wilcoxson, Woodson, and Mr. President—45.

NOES—Messrs. Applegate, Bunch, Davis, Gentry, Green, Griffin, Jackson of Howard, Jones of Scotland, Leslie, Pipkin, Slack, Ward, and Young—13.

Absent—Messrs. Bassett, Coalter, Pitt, Simonds, and Wright.

Absent on leave—Mr. Cannon.

Sick—Messrs. Forshey, and McHenry.

Mr. Anderson then moved to amend the said section 26, by striking out all after the word "made," in the fifth line, and adding the following words, to wit:

"And the members of the General Assembly shall not receive more than one-third of the compensation allowed them by law, after the first fifty days of the session."

Which amendment was read a first time; and,

Objections being made,

The question was put "shall the amendment be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock Alexander, Applegate, Branstetter, Broadhead, Brooking, Brown, Buford, Davis, Fulkerson, Gentry, Green, Griffin, Hunt, Hunter, Hyatt, Jackson of Howard, Jones of Newton, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Neaves, Nickel, Pannell, Pipkin, Polk, Shields, Simonds, Simpson, Thomas, Tong, Ward, and Mr. President—35.

NOES—Messrs. Anderson, Bevitt, Bunch, Campbell, Ewing, Farquhar, Finch, Foster, Gibbony, Hickman, Horine, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Morrow, Porter, Slack, Stewart, Stone, Wells, Wilcoxson, Woodson, and Young—24.

Absent—Messrs. Bassett, Coalter, Pitt, and Wright.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Forshey, and McHenry.

Mr. James now moved to amend said section, by striking out all thereof, and inserting the following substitute, to wit :

“Sec. 26. The members of the General Assembly shall severally receive from the public treasury a compensation for their services which shall not exceed two dollars per day, and no session shall continue longer than sixty days.”

Which amendment was read a first time; and,

Objections being made,

The question was, “shall the amendment be rejected?”

A division of the said question was called for; whereupon,

A motion was made by Mr. Hunter “that the said amendment do lie on the table.”

And the question being put,

Was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock, Alexander, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Davis, Farquhar, Fulkerson, Gentry, Gibbony, Green, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Neaves, Nickel, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Ward, Woodson, Wright, Young, and Mr. President—44.

NOES—Messrs. Anderson, Bunch, Campbell, Coalter, Ewing, Finch, Foster, Griffin, Horine, Jackson of Randolph, James, Jones of Newton, Morrow, Pannell, Porter, Tong, Wells, and Wilcoxson—18.

Absent—Mr. Bassett.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Forshey, and McHenry.

The previous question was now moved by Mr. Acock;
And being demanded by two-thirds of the members present,
It was put, to wit: "Shall the main question be now put?"
And it was determined in the affirmative.

The main question was then put, to wit: "That the Convention do agree to section 26;"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Coalter, Davis, Ewing, Farquhar, Finch, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Pipkin, Polk, Shields, Simonds, Simpson, Stone, Thomas, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President—50.

NOES—Messrs. Anderson, Applegate, Jackson of Randolph, James, Leslie, Pannell, Pitt, Porter, Slack, Stewart Tong, and Wells—12.

Absent—Mr. Bassett.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey, and McHenry.

Section 27 was then considered.

Mr. Green moved to amend said section by inserting the word "first" after the word "law," in the first line, and by adding the following, to wit:

"*Second.* The cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacity, and the amount of such deductions;"

Which amendment was read a first time; and objections being made, The question was put, "shall the amendment be rejected?"

And it was determined in the negative.

The said amendment was then read a second time and agreed to.

Section 27, as amended, was then agreed to.

Section 28 was next taken up,

The first clause of the first division was first considered.

Mr. Woodson moved to amend said clause, by adding thereto the words, "removing such slaves, so emancipated, out of this State."

Which amendment was read a first and second time, and agreed to.

Mr. Alexander moved to amend said clause, as amended, by striking out the word "or," in the second line, and inserting the word "and."

Which amendment was read a first and second time, and agreed to.

A motion was made by Mr. Pitt, "that the Convention do reconsider the vote by which the foregoing amendment of Mr. Alexander was adopted.

And the question being put,

It was determined in the negative.

The said first clause, as amended, was then agreed to.

The second clause of the first division was next considered and agreed to.

The third clause of the first division was then considered.

Mr. Morrow moved to amend said third clause, by striking out all thereof, and inserting the following as a distinct section :

Section 29. The General Assembly shall have no power to pass any law whereby any indebtedness, on the part of the State, shall be created, except in time of actual or threatened war, insurrection, or invasion: *Provided,*

That the General Assembly which convenes on the third Monday of November, 1846, may provide, by law, for borrowing such sum or sums as will be sufficient to pay such balance of the interest on the State debt and the ordinary expenses of the government, as shall appear, after the application of the revenue to the payment thereof, as may accrue within the two years next succeeding the commencement of such session.— But the General Assembly may propose, by a vote of a majority of all the members elected to both branches thereof, the creation of a debt for any specified purpose; which proposition shall be submitted to the direct vote of the people, at the next general election thereafter, and, if approved by a majority of the qualified voters, shall be of full force and effect; *Provided,* That each proposition shall be for one object alone, and every proposition shall be voted upon separately by such qualified voters.

Which amendment was read a first and second time.

Mr. Finch moved to amend the foregoing amendment, by striking out all thereof, and inserting the following, to wit :

"The General Assembly shall not have power to borrow money upon the faith and credit of the State, except to suppress insurrection or revolution, or repel invasion, without first submitting the proposition to borrow to the direct vote of the people; and the proposition, so submitted, must receive a clear majority of the votes of the qualified voters in the State before it can be carried into effect."

Which amendment was read a first and second time.

And the question was on agreeing thereto,

Pending which,

A motion was made by Mr. Wright, "that the amendment proposed by Mr. Morrow, and the amendment moved thereto by Mr. Finch, do lie on the table."

And the question being put,

Was determined in the affirmative.

Mr. Wright now moved to amend the said third clause, by striking out all thereof and inserting the following, to wit:

Third. The General Assembly shall not have power to create a public debt, without providing by law, at the same session, for a liquidation thereof.

Which amendment was read a first time;

And, objections being made,

The question was "shall the amendment be rejected?"

Pending which question,

A motion was made by Mr. Finch "that the Convention do now adjourn."

Mr. Jones of Newton moved "that the Convention adjourn until half-past six o'clock, this evening."

And the question being put,

Was determined in the negative.

The question then recurred on the motion of Mr. Finch;

And being put,

Was determined in the affirmative.

So the Convention adjourned.

THURSDAY MORNING, DECEMBER 18.

The Convention resumed the consideration of Article III, as reported by the committee on Legislative Power.

The question pending at the adjournment, yesterday, was, on the rejection of the amendment of Mr. Wright to the third clause of the first division of section 28.

Mr. Wright, by consent, now modified the said amendment, by adding thereto the words "by taxation."

The question was now, "shall the amendment, as modified, be rejected?"

And being put,

It was determined in the affirmative.

Mr. Morrow then moved to amend the said third clause by striking out all thereof and inserting the following, to wit:

"Section 29. The General Assembly shall not pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations, for the benefit or use of any person or persons, corporation, or body politic whatever. But the State shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not: the said new bonds, however, are not to be issued for a

larger amount, or at a higher rate of interest, than the original obligations they are intended to replace.

"Section 30. The aggregate amount of debts hereafter contracted by the Legislature, shall never exceed the sum of _____ dollars, except in case of war, to repel invasion, or suppress insurrections, unless the same be authorized by some law proposed in the House of Representatives, and agree to by a majority of all the members elected to each house of the General Assembly, and entered on their journals with the yeas and nays taken thereon, for some single object or work, to be distinctly specified therein; which law shall provide ways and means, by taxation, for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge, at maturity, of the capital borrowed; and said law shall be irrevocable until principal and interest are fully paid and discharged, and shall not be put into execution until after its enactment by a majority of all the members elected to both houses of the first Legislature returned by a general election after its passage, in which case the yeas and nays shall be entered in their journals."

Which amendment was read a first and second time.

Mr. Morrow then moved "that the blank in said amendment be filled with the words "twenty-five thousand dollars."

And the question being put,

Was determined in the negative.

A motion was then made by Mr. Marmaduke "that the said blank be filled with the words "five hundred thousand dollars."

A motion was now made by Mr. James "that the amendment of Mr. Morrow, and all matter arising therefrom, do lie on the table."

And the question being put,

Was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bevitt, Branstetter, Broadhead, Brown, Buford, Bunch, Campbell, Ewing, Finch, Foster, Gibbony, Hickman, Horine, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Leslie, Marmaduke, Massey, McHenry, Neaves, Pipkin, Polk, Porter, Shields, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, and Woodson—38.

NOES—Messrs. Anderson, Bassett, Brooking, Coalter, Davis, Farquhar, Fulkerson, Gentry, Green, Griffin, Hunt, Hunter, Jones of Newton, Kincheloe, Mitchell, Morrow, Nickel, Pannell, Pitt, Simonds, Simpson, Slack, Stewart, Wright, Young, and Mr. President—26.

Absent with leave—Mr. Cannon.

Sick—Mr. Forshey.

Mr. Massey then moved to amend said third clause by striking out the words "other than such debts as may be necessary for the ordinary expenses of the government."

Which amendment was read a first and second time;
 And the question being on agreeing thereto,
 Was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Acock, Applegate, Branstetter, Bunch, Ewing, Finch, Green, Griffin, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Polk, Porter, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Young, and Mr. President—35.

NOES—Messrs. Alexander, Anderson, Bassett, Bevitt, Broadhead, Brooking, Brown, Buford, Campbell, Coalter, Davis, Farquhar, Foster, Fulkerson, Gentry, Gibbons, Hickman, Horine, Hunt, Hyatt, Leslie, McHenry, Pannell, Pipkin, Pitt, Shields, Stewart, Wells, and Wright—29.

Absent with leave—Mr. Cannon.

Sick—Mr. Forshey.

Mr. Leslie moved to amend said third clause, as amended, by adding after the word "invasion," the words "and to provide for the payment of the present State debt."

Which amendment was read a first and second time.

Mr. Jones of Newton moved to amend said amendment, by adding thereto the following words, to wit :

"Provided a loan can be procured at less interest than is now paid on the State debt."

Which amendment was read a first time, and objections being made,

The question was put, "shall the amendment be rejected?"

And it was determined in the affirmative.

The question then recurred on agreeing to the amendment moved by Mr. Leslie.

And being put, it was determined in the affirmative.

Mr. Acock moved to amend the said third clause, as amended, by striking out all after the word "*Third*," and inserting the following words, to wit :

"The General Assembly shall have no power to create any debt which shall exceed, at any one time, the sum of _____ dollars, except in cases of insurrection or invasion."

Which amendment was read a first time,

And objections being made,

The question was put "shall the amendment be rejected?"

And it was determined in the negative.

The said amendment was then read a second time.

Mr. Massey moved to fill the blank in said amendment with the words "ten thousand dollars."

And the question being put on agreeing thereto,

Was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bevitt, Branstetter, Buford, and Horine—6.

NOES—Messrs. Acock, Anderson, Bassett, Broadhead, Brooking, Brown, Bunch, Campbell, Coalter, Davis, Ewing, Farquhar, Finch, Foster, Fulkerson, Gibbony, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President—55.

Absent—Messrs. Gentry, and Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pitt.

A motion was now made by Mr. James “that the amendment moved by Mr. Acock, do lie on the table;” when

Mr. Brown moved “that the Convention adjourn until 2 o’clock, P. M.”

And the question being put,

Was determined in the negative.

The question then recurred on the motion of Mr. James, to wit: “That the amendment moved by Mr. Acock do lie on the table.”

And the question being put,

It was determined in the negative.

Mr. Marmaduke then moved to amend the said amendment, by adding to the end thereof the following words, to wit:

“*Provided*, That no appropriation for purposes of Internal Improvements shall be valid until it shall be approved by the next succeeding Legislature; and the last Legislature shall provide ways and means to pay the interest accruing thereon, and, eventually, to pay the principal sum.”

Which amendment was read a first and second time, and agreed to.

Mr. Broadhead now moved to fill the blank in the amendment, as amended, with the words “five millions of dollars.” Whereupon,

A motion was made by Mr. Massey “that the amendment, as amended, and the foregoing motion of Mr. Broadhead, do lie on the table.”

And the question was put,

And was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Bevitt, Baanstetter, Brown, Bunch, Davis, Farquhar, Finch, Gibbony, Green, Griffin, Hickman, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Morrow, Neaves, Pannell, Pipkin, Polk, Porter, Stone, Thomas, Ward, Wells, and Wilcoxson—34.

NOES—Messrs. Acock, Applegate, Bassett, Broadhead, Brooking, Buford, Campbell, Coalter, Ewing, Foster, Fulkerson, Hunt, Hunter,

Hyatt, Marmaduke, McHenry, Mitchell, Nickel, Shields, Simonds, Simpson, Slack, Stewart, Tong, Woodson, Young, and Mr. President
--27.

Absent—Messrs. Gentry and Wright.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Forshey and Pitt.

Mr. Griffin now moved to amend the said third clause, as amended, by adding thereto the following words, to wit:

“Provided further, That the present State debt shall be paid within the period of fifteen years from the ratification of this Constitution.”

Which amendment was read a first and second time.

Mr. Pipkin moved to amend said amendment by adding thereto the following words, to wit:

“But no part of the funds to pay the same shall be derived by tax on salt or iron.”

A motion was then made by Mr. Hunter “that the amendment and the amendment to the amendment do lie on the table.”

Pending the consideration of which motion,

The Convention adjourned until half-past 2 o'clock, P. M.

EVENING SESSION.

The question recurred on the motion of Mr. Hunter,

“That the amendment moved by Mr. Griffin, and the amendment thereto moved by Mr. Pipkin, do lie on the table.”

And being put,

It was determined in the affirmative.

Mr. Jackson of Randolph, then moved to amend the said third clause, as amended, by striking out all thereof, and inserting the following words, to wit:

“Shall have no power to pass any law, whereby any debt shall be created, except in case of war, insurrection or invasion, and to pay the interest upon the State debt.”

Which amendment was read a first time;

And objections being made,

The question was, *“Shall the amendment be rejected?”*

Pending which,

On motion of Mr. Jackson of Randolph,

A call of the Convention was ordered.

And the roll being called, the following members were noted as being absent, to wit:

Absent—Messrs. Bassett, Coalter, Ewing, Tong, Wells, Wilcoxson, Woodson and Wright.

Absent with leave—Mr. Cannon.

Sick—Mr. Forshey.

On motion of Mr. Anderson,

All further proceedings under the call, were dispensed with.

The question then recurred on the rejection of the amendment moved by Mr. Jackson of Randolph;

And being put, was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Anderson, Bevitt, Broadhead, Brooking, Campbell, Foster, Gentry, Hunt, Hunter, Hyatt, Jones of Franklin, Leslie, Marmaduke, Pipkin, Pitt, Polk, Shields, Simpson, Stewart, Stone, and Thomas—21.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Branstetter, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Hickman, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, Slack, Ward, Wilcoxson, Young, and Mr. President—37.

Absent—Messrs. Coalter, Ewing, Tong, Wells, Woodson, and Wright.

Absent, with leave—Mr. Cannon.

Sick—Mr. Forshey.

The said amendment was then read a second time.

Mr. Jackson of Howard now moved to amend the said amendment, by striking out the following words, to wit:

“And to pay the interest upon the State debt.”

Which amendment was rejected.

Mr. Massey then moved to amend the amendment by adding to the end thereof the words “heretofore contracted.”

Which amendment was agreed to.

The question was now on agreeing to the amendment moved by Mr. Jackson of Randolph, as amended.

And being put,

It was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Hickman, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, McHenry, Mitchell, Neaves, Nickell, Pannell, Porter, Tong, Ward, Wells, and Wilcoxson—30.

NOES—Messrs. Acock, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Campbell, Foster, Gentry, Hunt, Hunter, Hyatt, Leslie, Marmaduke, Massey, Morrow, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Young, and Mr. President—31.

Absent—Messrs. Ewing, Woodson and Wright.

Absent with leave—Mr. Cannon.

Sick—Mr. Forshey.

A motion was now made by Mr. Acock, that the amendment moved by him this morning to the said third clause, as amended by Mr. Marmaduke, and which was laid on the table, be now called up.

And the question being put,

Was determined in the affirmative.

Whereupon,

Mr. Acock, by consent, modified his amendment so as to read as follows, to wit:

“The General Assembly shall have no power to create any debt, the creation of which shall cause the State debt, at any one time, to exceed the sum of ———— dollars, except in cases of insurrection or invasion.”

Mr. Green moved to amend the said amendment as amended and modified, by inserting after the word “means” the words “by taxation.”

Which amendment was accepted by Mr. Marmaduke.

Mr. Thomas then moved to amend the said amendment, as amended and modified, by inserting after the word “debt” the words “exclusive of the present State debt.”

Which amendment was agreed to.

A motion was now made by Mr. Polk, that the said amendment, as amended and modified, be postponed indefinitely.

And the question being put,

Was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Massey, Morrow, Neaves, Pannell, Pipkin, Polk, Porter, Tong, Ward, Wells and Wilcoxson—38.

NOES—Messrs. Acock, Bassett, Broadhead, Brooking, Campbell, Ewing, Foster, Fulkerson, Hunter, Kincheloe, Marmaduke, McHenry, Mitchell, Nickel, Pitt, Shields, Simpson, Slack, Stewart, Stone, Thomas, Woodson, Young, and Mr. President—25.

Absent—Mr. Wright.

Absent with leave—Mr. Cannon.

Sick—Mr. Forshey.

Mr. Shields then moved to amend the said third clause by striking out all thereof and inserting the following substitute, to wit:

“Third. To pass any law whereby any debt shall be created, unless they provide in the law creating the debt, the means, by taxation, for the prompt payment of the interest accruing on such debt, and the ultimate payment of the principal, except in cases of insurrection or invasion; and said law shall be irrepealable until said debt is fully paid.”

Which substitute was read a first and second time and agreed to. Mr. President moved to amend the first division of the 28th section, by adding thereto an additional clause, to wit:

Fourth. It shall have no power to grant any divorce.

Which amendment was read a first and second time, and agreed to. Mr. Jackson of Randolph, moved to amend said first division, by adding thereto an additional clause, to wit:

“Fifth. The Legislature shall have no power to authorize the taking of a higher rate of interest, for the use of money, than six per centum per annum”

Which amendment was read a first and second time.

Mr. Hunter moved to amend the foregoing amendment by adding thereto the words “unless expressed in the contract.”

A motion was then made by Mr. Hunter, that the amendment, and the amendment to the amendment, do lie on the table.

And the question being put,

Was determined in the affirmative.

A motion was now made by Mr. Wilcoxson,

That the Convention do adjourn.

And the question being put, was determined in the negative.

The first, second, third, and fourth clauses of the second division of Section 28, were then considered and agreed to.

The first clause of the third division of Section 28, was next considered.

Mr. Leslie moved to amend said first clause, by striking out the word “subdivision,” and inserting the following words, to wit:

“In the twenty-eighth Section of the third Article of this Constitution.”

Which amendment was read a first and second time, and agreed to.

Mr. Jones of Newton, moved to amend the said first clause, as amend-

ed, by striking out all thereof to the word "provided," and inserting the following words, to wit:

"*First.* To prohibit free negroes and mulattoes from coming to, settling or residing in this State, under any pretext whatever; and also to pass such laws as will cause an effectual removal of all the free negroes and mulattoes out of this State, without injury to their persons or property."

Which amendment was read a first time.

And objections being made,

The question was put,

"Shall the amendment be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Bevitt, Broadhead, Brooking, Buford, Bunch, Campbell, Coalter, Davis, Ewing, Farquhar, Finch, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Hunt, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Ward, Wells, Woodson and Young—48.

NOES—Messrs. Bassett, Branstetter, Brown, Hunter, Jackson of Howard, Jones of Newton, Polk, Wilcoxson, and Mr. President—9.

Absent—Messrs. Applegate, Horine, Mitchell, Pitt, Stewart, Tong, and Wright.

Absent with leave—Mr. Cannon.

Sick—Mr. Forshey.

So the amendment moved by Mr. Jones of Newton, was rejected.

The Convention then adjourned.

FRIDAY MORNING, DECEMBER 19.

Mr. Bevitt introduced the following resolution, to wit:

Resolved, That this Convention, for the purpose of speedily despatching the important business for which it has been convened, will, from and after this day, meet at nine o'clock in the morning, and continue its session until nine o'clock in the evening, with one hour's recess for dinner, and one hour for supper.

A motion was made by Mr. Hunter "that the foregoing resolution do lie on the table."

And the question being put,

Was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Bassett, Branstetter, Buford, Bunch, Campbell, Davis, Farquhar, Finch, Foster, Gibbony, Griffin, Hunter, Jones of Scotland, Leslie, Pipkin, Simonds, Wilcoxson, Young, and Mr. President—20.

NOES—Messrs. Acock, Anderson, Bevitt, Broadhead, Brooking, Brown, Ewing, Fulkerson, Green, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Shields, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Woodson, and Wright—39.

Absent—Messrs. Applegate, Coalter, Gentry, and Wells.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and Pitt.

Mr. McHenry now moved to amend the said resolution by striking out the words "one hour for supper;" and also by striking out the word "nine," in the sixth line, and inserting in lieu thereof the word "eight."

Mr. Bassett moved to amend the amendment by striking out the word "eight," and inserting in lieu thereof the word "ten."

A motion was made by Mr. Jones of Newton, "that the amendment to the amendment do lie on the table."

Whereupon,

Mr. Bassett moved "that the resolution, and all matter arising therefrom, do lie on the table."

A division of the question was called for, under the operation of which,

The amendment to the amendment, the amendment, and the resolution,

Were successively ordered to lie on the table.

Mr. Bevitt now introduced the following resolution, to wit:

Resolved, That from and after the twenty-seventh instant, the pay of the members of this Convention shall be reduced to one dollar per day.

Mr. Jackson of Howard moved "that the said resolution do lie on the table."

And the question being put,

Was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Anderson, Bassett, Branstetter, Brooking, Brown, Buford, Bunch, Campbell, Davis, Farquhar, Finch, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Hunt,

Hunter, Jackson of Howard, Jackson of Randolph. Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Shields, Simonds, Slack, Stone, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President—46.

NOES—Messrs. Bevitt, Broadhead, Coalter, Ewing, Horine, Hyatt, James, Jones of Franklin, Jones of Newton, Jones of Scotland, McHenry, Porter, Simpson, Stewart, Thomas, and Wells—16.

Absent—Mr. Applegate.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and Pitt.

Mr. Ewing submitted the following resolution, to wit:

Resolved, That after the fifteen thousand dollars, appropriated by the legislature to defray the expenses of this Convention, shall have been expended, the pay of the members shall cease.

A motion was made by Mr. Bassett "that the resolution do lie on the table."

And the question being put,

Was determined in the affirmative.

Mr. Jones of Newton, from the committee on miscellaneous provisions, to which was referred the proposition of Mr. McHenry, proposing an additional Article to the Constitution, submitted a report.

Which report was,

On motion of Mr. McHenry, laid on the table.

Mr. Shields submitted a Proposition, which was read a first time, and the rule being suspended, a second time, and

On motion of Mr. Shields,

Referred to a select committee, to consist of nine members.

The said Proposition is in the words following, to wit:

AN ORDINANCE.

Section. 1. Immediately after the adjournment of the Convention, the Governor shall issue his proclamation, directing the several officers of this State, authorized by law to prepare poll-books and to hold elections for members of the General Assembly, to open and hold a poll in every county of the State, at the places designated by law, upon the first Monday of May next, for the purpose of taking the sense of the people of this State, in regard to the adoption or rejection of this Constitution, and it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old Constitution, and under this Constitution, and shall keep a correct Poll of the same, divided into two columns, and headed one "for the adoption of the Constitution," and the other "against the adoption of the Constitution," and shall faithfully record the names of all voters offering to vote, and place

their names in the appropriate column. And at the conclusion of the said election, which shall be conducted in every respect as the General State elections are now conducted, shall make return of the same to the clerks of the county courts; who shall forthwith make due returns thereof to the Secretary of State, in conformity to the provisions of the existing laws upon the subject of Elections.

2nd. Upon the receipt of said returns, or on the second Monday of June next, it shall be the duty of the Governor, Secretary of State, Attorney General, or any one of them, in the presence of all such persons as may choose to attend, to compare the votes given at the said election, for the ratification and rejection of this Constitution; and if it shall appear from said returns that a majority of all the votes given is for ratifying this constitution, then it shall be the duty of the Governor to make proclamation of that fact, and thenceforth this Constitution shall be ordained and established as the Constitution of the State of Missouri. But whether this Constitution be accepted or rejected, it shall be the duty of the Governor to cause to be published, in the newspapers printed in Jefferson City, the result of the polls, showing the number of votes cast in each county for and against the said Constitution.

3d. Should this Constitution be accepted by the people, it shall be the duty of the Governor forthwith to issue his proclamation declaring the present Legislature, elected under the old Constitution, to be dissolved, and directing the several officers of the State, authorized by law to hold elections for members of the General Assembly, to hold an election at the places designated by law, upon the for Governor, Lieutenant Governor, members of the General Assembly, and all other officers whose election is provided for, pursuant to the provisions of this Constitution. And the said election shall be conducted, and the returns thereof made in conformity with existing laws upon the subject of the State elections.

4th. The General Assembly, elected under this Constitution, shall convene at the State House in the City of Jefferson, on the Monday of _____, and that the Governor and Lieutenant Governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said General Assembly to proceed with the transaction of business.

5th. Until the first enumeration and apportionment shall be made, as directed in this Constitution,

The county of		shall have	one Representative
Andrew		one	"
"	Barry.	"	"
"	Bates	"	"
"	Benton	"	"
"	Boone	two	"
"	Buchanan	two	"
"	Callaway	two	"
"	Cape Girardeau	two	"
"	Chariton	one	"
"	Clay	two	"

The county of Cole		shall have one Representative	
"	Cooper	two	"
"	Crawford	one	"
"	Carroll	one	"
"	Franklin	two	"
"	Gasconade	one	"
"	Greene	two	"
"	Henry	one	"
"	Howard	two	"
"	Jackson	two	"
"	Jasper	one	"
"	Jefferson	one	"
"	Johnson	one	"
"	Lafayette	two	"
"	Lewis	one	"
"	Lincoln	two	"
"	Linn	one	"
"	Livingston	one	"
"	Macon	one	"
"	Madison	one	"
"	Marion	two	"
"	Miller	one	"
"	Monroe	two	"
"	Montgomery	one	"
"	Morgan	one	"
"	New Madrid	one	"
"	Newton	one	"
"	Dallas	one	"
"	Osage	one	"
"	Platte	three	"
"	Perry	one	"
"	Pettis	one	"
"	Pike	two	"
"	Polk	one	"
"	Pulaski	one	"
"	Ralls	one	"
"	Randolph	two	"
"	Ray	two	"
"	St. Charles	two	"
"	St. Francois	one	"
"	Ste. Genevieve	one	"
"	St. Louis	ten	"
"	Saline	one	"
"	Shelby	one	"
"	Taney	one	"
"	Van Buren	one	"
"	Warren	one	"
"	Washington	two	"
"	Wayne	one	"
"	Harrison	one	"

The county of Lawrence	shall have one Representative
" " Hickory	" " one "
" " Moniteau	" " one "
" " Nodaway	" " one "
" " Camden	" " one "
" " Clark	" " one "
" " Scotland	" " one "
" " Clinton	" " one "
" " Ozark	" " one "
" " Adair and Schuyler	" " one "
" " Dade, Cedar and St. Clair	" " two "
" " Putnam and Sullivan	" " one "
" " Mississippi	" " one "
" " Scott	" " one "
" " Audrain	" " one "
" " Shannon, Ripley & Reynolds	" " one "
" " Dunklin and Stoddard	" " one "
" " Atchison and Holt	" " one "
" " DeKalb and Gentry	" " one "
" " Grundy and Mercer	" " one "
" " Knox	" " one "
" " Oregon and Texas	" " one "
" " Camden	" " one "
" " Davis	" " one "
" " Caldwell	" " one "

6th. Until the first enumeration and apportionment shall be made, as directed in this Constitution,

The counties of St. Charles and Lincoln shall have one Senator.

" " "	" " Pike and Ralls,	" " one "
" " "	" " Marion and Monroe,	" " one "
" " "	" " Scotland, Lewis, Clark, } Knox, and Schuyler, }	" " one "
" " "	" " Sullivan, Putman, } Harrison, Grundy, } Mercer and Gentry, }	" " one "
" " "	" " Holt, Atchison, Nod- } away and Andrew, }	" " one "
" " "	" " Buchanan, DeKalb, } and Clinton, }	" " one "
" " "	" " Platte,	" " one "
" " "	" " Clay, and Ray,	" " one "
" " "	" " Livingston, Linn, } Carroll, Caldwell, } and Davis, }	" " one "
" " "	" " Howard and Chariton,	" " one "
" " "	" " Macon, Adair, } Shelby & Randolph, }	" " one "
" " "	" " Boone and Audrain,	" " one "
" " "	" " Ste. Geneveive, } St. Francois & Perry, }	" " one "

The counties of C. Girardeau & Wayne, shall have one Senator.

"	"	"	Scott, Mississippi,	"	"	one	"
"	"	"	New Madrid, Stoddard, and Dunklin,	"	"	one	"
"	"	"	Reynolds, Shannon,	"	"	one	"
"	"	"	Texas, Madison, Ripley, Oregon & Wright,	"	"	one	"
"	"	"	Green, Taney and Ozark,	"	"	one	"
"	"	"	Jackson and Van Buren,	"	"	one	"
"	"	"	Lafayette and Johnson,	"	"	one	"
"	"	"	Lawrence, Barry,	"	"	one	"
"	"	"	Newton, and Jasper,	"	"	one	"
"	"	"	Polk, Hickory,	"	"	one	"
"	"	"	Camden and Dallas,	"	"	one	"
"	"	"	St. Clair, Henry,	"	"	one	"
"	"	"	Bates, Cedar, and Dade,	"	"	one	"
"	"	"	Pettis, Benton & Saline,	"	"	one	"
"	"	"	Cooper and Moniteau,	"	"	one	"
"	"	"	Cole, Miller & Morgan,	"	"	one	"
"	"	"	Callaway & Montgomery,	"	"	one	"
"	"	"	Franklin and Warren,	"	"	one	"
"	"	"	St. Louis,	"	"	three	"
"	"	"	Crawford, Washington, and Jefferson,	"	"	one	"
"	"	"	Gasconade, Osage, and Pulaski,	"	"	one	"

The Convention now resumed the consideration of the Third Article as reported by the committee on Legislative Power.

Mr. Jones of Newton moved to amend the first clause of the third division of section 28, by inserting, between the words "whatever" and "provided," the following, to wit:

"And also to pass laws to provide for the removal of all free negroes and mulattoes out of this State, without injury to their persons or property."

Which amendment was read a first and second time and rejected.

Mr. McHenry then moved to amend said first clause by inserting before the word "free," in the first line, the word "Indians."

Which amendment was read a first time; and,
Objections being made,

The question was "shall the amendment be rejected?"

Pending which,

A motion was made by Mr. Simonds "that the said first clause, and the proposed amendment thereto, do lie on the table."

And the question being put,

Was determined in the negative.

The question then recurred on rejecting the amendment moved by Mr. McHenry;

And being put,

It was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brown, Buford, Bunch, Campbell, Coalter, Davis, Farquhar, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Morrow, Nickel, Pannell, Polk, Porter, Shields, Simonds, Stone, Ward, Wells, Wilcoxson, Woodson, Wright, and Mr. President—44.

NOES—Messrs. Acock, Alexander, Bassett, Brooking, Ewing, Finch, Horine, Jones of Franklin, Marmaduke, McHenry, Mitchell, Neaves, Pipkin, Simpson, Slack, Thomas, Tong, and Young—18.

Absent—Mr. Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pitt.

The first clause of the third division, as amended, was then agreed to.

The second clause of the same division was then also agreed to.

Mr. Neaves now moved a reconsideration of the vote by which, on yesterday, was adopted the substitute moved by Mr. Shields for the third clause of the first division of section 28.

The previous question was moved by Mr. Jones of Newton, but was not sustained.

The question then recurred "that the Convention do reconsider said vote."

And being put,

It was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bassett, Bevitt, Buford, Bunch, Finch, Fulkerson, Green, Griffin, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Massey, McHenry, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Simonds, Slack, Stewart, Wells, Young, and Mr. President—32.

NOES—Messrs. Acock, Alexander, Branstetter, Broadhead, Brooking, Brown, Campbell, Davis, Ewing, Farquhar, Foster, Gentry, Gibbony, Hickman, Horine, Hunter, Hyatt, Kincheloe, Marmaduke, Mitchell, Pipkin, Shields, Simpson, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, and Wright—30.

Absent—Mr. Coalter.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and Pitt.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SESSION.

The following gentlemen were announced as composing the select committee to which was this morning referred the Ordinance proposed by Mr. Shields, to wit:

Messrs. Shields, ~~Leslie~~, Hunt, Young, Coalter, Massey, Bassett, Green, and Jackson of Howard.

The vote adopting the substitute moved by Mr. Shields for the third clause of the first division of section 28, having been this morning reconsidered,

The question recurred thereon.

Whereupon,

Mr. Young moved to amend the same by inserting after the word "irrepealable," the words "after the end of the next session."

Which amendment was read a first and second time and agreed to.

Mr. Campbell then moved to amend said substitute, as amended, by adding the following words, to wit:

"It shall be the duty of the General Assembly to provide by law for the payment of the existing debt of the State at its earliest practicable period, and it shall never contract a public debt, which, exclusive of the existing State debt, shall at any time exceed half a million of dollars."

Which amendment was read a first and second time and agreed to.

Mr. Massey moved to amend said substitute, as amended, by striking out all thereof and inserting the following, to wit:

"*Third.* To pass any law whereby any debt shall be created that shall cause the entire indebtedness of the State, contracted under this Constitution, to exceed, at any one time, twenty-five thousand dollars, except in cases of war, insurrection, or invasion.

"But the General Assembly may propose, by a vote of a majority of all the members elected to both branches thereof; the creation of a debt for any specified purpose, which shall be submitted to the direct vote of the people at the next general election thereafter, and, if approved by a majority of the qualified voters, shall be of full force and effect. *Provided*, that each proposition shall be for one object alone; and *provided further*, that no more than one proposition shall be submitted by any one session of the General Assembly, and that the debt proposed shall not have a longer time to run than twenty years."

Which amendment was read a first and second time;

And the question was on agreeing thereto;

Pending which,

On motion of Mr. Morrow,

A call of the Convention was ordered.

And the roll being called,

The following members were noted as being absent, to wit:

Absent—Messrs. Coalter, Ewing, Gibbony, and Wright.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and Pitt.

The absentees having been sent for,

All further proceedings under the call were dispensed with.

The question then recurred on agreeing to the amendment moved by Mr. Massey;

And being put,

It was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Simonds, Slack, Stewart, Tong, Wells, and Mr. President—39.

NOES—Messrs. Acock, Anderson, Broadhead, Brooking, Brown, Campbell, Ewing, Foster, Gentry, Hickman, Hunter, Hyatt, Marmaduke, Pipkin, Shields, Simpson, Stone, Thomas, Ward, Wilcoxson, Woodson, Wright, and Young—23.

Absent—Mr. Gibbony.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pitt.

Mr. Green moved to amend the substitute moved by Mr. Massey, by striking out all after the word "invasion," and inserting in lieu thereof the following, to wit:

"Provided, however, The General Assembly may propose, by vote of a majority of all the members elected to both branches thereof, the creation of a debt for any specified single purpose, and shall propose, therewith, the ways and means, by taxation, for the payment of running interest upon the debt, and the payment of the principal sum at maturity; which propositions shall be published in at least five different newspapers, in different parts of the State, for six months next before the succeeding general election; and if such proposition be approved by a majority of all the members elected to both branches of the General Assembly at the succeeding regular session thereof, the same shall be of full force and effect, and shall be irrevocable until the full payment and discharge of the principal sum and all accruing interest."

“And *provided further*, No debt shall be contracted for a longer period than twenty years.”

Which amendment was read a first and second time;
And the question being on agreeing thereto,
Was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Acock, Applegate, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Foster, Gentry, Green, Hunter, Hyatt, Jackson of Randolph, Jones of Scotland, Kincheloe, Marmaduke, McHenry, Pipkin, Shields, Simpson, Thomas, Ward, Woodson, Wright, and Young—26.

NOES—Messrs. Alexander, Anderson, Bassett, Bevitt, Branstetter, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Griffin, Hickman, Horine, Hunt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Leslie, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Simonds, Slack, Stewart, Stone, Tong, Wells, Wilcoxson, and Mr. President—37.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey, and Pitt.

Mr. Anderson then moved to amend the said substitute of Mr. Massey by striking out all thereof and inserting the following, to wit :

Third, To pass any law, whereby any public debt shall be created, other than such debt as may be necessary for the ordinary expenses of government, except in cases of war, insurrection or invasion,—or by the vote of a majority of the members of both branches of two successive Legislatures; and the first Legislature voting for the creation of said debt, shall provide by law for the payment thereof by taxation, to take effect after the law creating the debt has been sanctioned by the succeeding Legislature: and said law providing for the payment of said debt, shall be irrepealable until the law providing for the creation of the debt is repealed, and that portion of the debt incurred, if any, shall have been discharged. And it shall be the duty of the Legislature to provide for the payment of the present State debt as soon as practicable.

Which amendment was read a first and second time.
And the question being on agreeing thereto,
Was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Anderson, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Foster, Gentry, Hickman, Hunt, Hunter, Hyatt, Jones of Scotland, Marmaduke, Shields, Stone, Thomas, Ward, Wilcoxson, Woodson, Wright, and Young—23.

NOES—Messrs. Acock, Alexander, Applegate, Bassett, Bevitt,

Branstetter, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Simonds, Simpson, Slack, Stewart, Tong, Wells, and Mr. President—40.

Absent, on leave---Mr. Cannon.

Sick—Messrs. Forshey, and Pitt.

Mr. Hunt then moved to amend said substitute by striking out all thereof and inserting the following, to wit :

“To pass any law, whereby any debt shall be created, other than such as shall be necessary for the ordinary expenses of the government and for the payment of the present State debt and interest, except in cases of insurrection or invasion, and except where the law creating the debt shall provide the mode and manner of the payment thereof with interest, and shall also be voted for by two successive sessions of the General Assembly, and, at the first session, receive the vote of two-thirds—and, at the second, the vote of a majority of all the members elected to each house of the General Assembly. Laws so passed, shall be irrepealable without the consent of those affected thereby.”

Which amendment was read a first and second time; and

The question being on agreeing thereto,

Was put,

And determined in the negative.

The previous question was now moved by Mr. Coalter;

And, being demanded by two-thirds of the members present,

It was put, to wit : “Shall the main question be now put?”

And it was determined in the affirmative.

The main question was then put, to wit : “That the Convention do agree to the substitute moved by Mr. Massey.”

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Bassett, Bevitt, Branstetter, Buford, Bunch, Coalter, Davis, Ewing, Farquhar, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Simonds, Slack, Stewart, Tong, and Mr. President—38.

NOES—Messrs. Anderson, Applegate, Broadhead, Brooking, Brown, Campbell, Foster, Gentry, Gibbony, Hickman, Hunter, Hyatt, Jackson of Randolph, Marmaduke, McHenry, Shields, Simpson, Stone, Thomas, Ward, Wells, Wilcoxson, Woodson, Wright, and Young—25.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Forshey and Pitt.

So the substitute moved by Mr. Massey, was adopted in lieu of the said third clause of the first division of Section 28.

Section 28 was then agreed to.

Section 29 was now considered.

Mr. Young moved to amend said section by inserting after the word "for" in the first line, the words "felony and capital."

Which amendment was read a first and second time, and agreed to.

Section 29, as amended, was then agreed to.

Section 30 was then considered and agreed to.

Mr. Green here moved to amend Article III, by inserting as an additional section to be numbered 31, the following, to wit:

Section 31. No private or local bill, which may be passed by the General Assembly, shall embrace more than one subject, and that shall be expressed in the title.

Which amendment was read a first and second time, and agreed to.

Mr. Green also moved to amend said Article by inserting as an additional section to be numbered 32, the following to wit:

Section 32. No law shall be revised or amended by reference to its title; but, in all cases of revision, or amendment, the act revised, or section amended, shall be re-enacted and published at length.

Which amendment was read a first time, and objections being made,

The question was, "Shall the amendment be rejected?"

And it was determined in the affirmative.

Sections 31 and 32 were then considered and agreed to.

Section 33 was next taken up.

Mr. Brown moved to amend said section by striking out the word

Mr. Brown moved to amend said section by striking out the word "seven" in second line, and inserting in lieu thereof the word "eight;" and also, by striking out all after the word "law" in the fifth line, and inserting the following, to wit:

"An accurate statement of the receipts and expenditures of the public money, shall be attached to and published with the laws at every regular session of the Legislature."

Which amendments were read a first and second time;

And the question, being on agreeing thereto, was put,

And was determined in the negative.

Mr. Stone then moved to amend said section by striking out all thereof, and inserting the following to wit:

Section 33. A State Treasurer shall be biennially appointed by a joint vote of the two Houses of the General Assembly, who shall keep his office at the Seat of Government. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money, shall be annually published.

Which amendment was read a first time,

And objections being made,

The question was put, "Shall the amendment be rejected?"

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Acock, Anderson, Bassett, Bevitt, Bunch, Davis, Finch, Fulkerson, Gibbony, Griffin, Horine, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Shields, Simonds, Simpson, Slack, and Stewart—28.

NOES—Messrs. Alexander, Applegate, Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Coalter, Ewing, Foster, Green, Hickman, Hunt, Hunter, Hyatt, Jackson of Randolph, Kincheloe, Leslie, Morrow, Pipkin, Polk, Porter, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Young and Mr. President—32.

Absent—Messrs. Farquhar, Gentry and Wright.

Absent, with leave—Mr. Cannon.

Sick—Messrs Forshey and Pitt.

The said substitute was then read a second time and agreed to.

Section 34 was then considered and agreed to.

Section 35 was next taken up.

Mr. Jones of Franklin moved to amend said section by striking out the word "seven" and inserting the word "eight."

Which amendment was read a first and second time and agreed to.

Mr. Applegate moved to amend said section as amended, by striking out the words "first Monday in November," and inserting the words "second Monday in January."

Which amendment was read a first and second time.

And the question, being on agreeing thereto, was put,

And was determined in the negative.

Mr. Pipkin then moved to amend said section, as amended, by striking out the words "first Monday in November," and inserting the words "third Monday in October."

Which amendment was read a first and second time,

And the question being, on agreeing thereto, was put,

And was determined in the negative.

Section 35, as amended, was then agreed to.

Section 36 was next taken up.

Mr. Hunter moved to amend said section by striking out all thereof and inserting the following, to wit:

Section 36. No county established by law at the adoption of the old Constitution, in 1820, shall ever be reduced to less than twenty miles square; and no county now established by law, other than those above mentioned, shall ever contain less than four hundred square miles; and no county, hereafter to be established, shall contain less than four hundred square miles.

Which amendment was read a first time,

And, objections being made,

The question was put, "Shall the amendment be rejected?"

And it was determined in the affirmative.

Mr. Green moved to amend said section, by adding thereto the following words, to wit:

"Nor shall any new county be hereafter organized, so as to entitle such county to a separate representation, unless the number of permanent white inhabitants therein shall, at the time, be equal to two-thirds of the ratio of representation then being; but may be organized with a smaller number for all other purposes, civil and military.

Which amendment was read a first and second time and agreed to.

Mr. Applegate then moved to amend said section, as amended, by striking out the first clause, and inserting the following, to wit:

"No county, now established by law, shall ever be reduced, by the establishment of a new county or counties, to less than six hundred square miles, nor shall any county hereafter be established, which shall contain less than six hundred square miles."

Which amendment was read a first and second time.

Mr. Jackson of Randolph moved to amend said amendment by striking out the word "six" and inserting the word "five."

Which amendment was read a first time,

And objections being made,

The question was put "Shall the amendment be rejected?"

And it was determined in the affirmative.

Mr. Jones of Newton moved to amend the amendment by striking out the words "six hundred" and inserting the words "five hundred and seventy-six."

Which amendment was accepted by Mr. Applegate.

The question was now on agreeing to the amendment as modified,

And being put,

It was determined in the negative by ayes and noes, as follows:

AYES—Messrs. Applegate, Bevitt, Branstetter, Brown, Campbell, Coalter, Davis, Ewing, Foster, Fulkerson, Gentry, Horine, Hunter, Hyatt, Jackson of Howard, Leslie, Mitchell, Neaves, Nickel, Pannell, Pipkin, Polk, Slack, Tong, Wilcoxson, Wright, and Young—27.

NOES—Messrs. Acock, Alexander, Anderson, Broadhead, Brooking, Buford, Bunch, Finch, Gibbony, Green, Griffin, Hickman, Hunt, Jackson of Randolph, Jones of Franklin, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Morrow, Porter, Shields, Simonds, Simpson, Stone, Thomas, Ward, Wells, Woodson, and Mr. President—31.

Absent—Messrs. Bassett, Farquhar, James, Jones of Scotland, and Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and Pitt.

A motion was now made by Mr. Wells, that the Convention do adjourn.

And the question being put,

Was determined in the negative.

Mr. Jackson of Randolph moved to amend the section, as amended, by striking out the word "four" and inserting, in lieu thereof, the word "five."

Which amendment was read a first time, and

Objections being made,

The question was put, "Shall the amendment be rejected?"

And it was determined in the negative.

The said amendment was then read a second time and agreed to.

Mr. Alexander moved to amend the section, as now amended, by adding thereto the following, to wit:

"Provided that the provisions of this section shall not be construed to prevent the General Assembly from making such alterations in the lines of the counties now established, as may be deemed necessary or advantageous to the counties to be affected by such alterations; and provided further, that in making such alterations, no county shall be reduced to less than four hundred square miles."

Which amendment was read a first time,

And objections being made,

The question was put, "Shall the amendment be rejected?"

And it was determined in the affirmative.

Section 36, as amended, was then agreed to.

Mr. Stone moved that the Convention adjourn.

Disagreed to.

Section 37 was then taken up, and

On motion of Mr. Coalter,

Was stricken out.

Mr. Foster moved to amend Article III, by inserting in lieu of the 37th section, the following, to wit:

"It shall be the duty of the General Assembly to provide an effective registry law, to prevent frauds and abuses in elections."

Which amendment was read a first time,

And objections being made,

The question was, "Shall the amendment be rejected?"

And being put, it was determined in the affirmative by ayes and noes, as follows:

AYES—Messrs. Acock, Alexander, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Coalter, Davis, Fulkerson, Gibbony, Green, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simpson, Slack, Stone, Thomas, Tong, Ward, Woodson, Young and Mr. President—44.

NOES—Messrs. Anderson, Campbell, Ewing, Foster, Gentry, Hickman, Hunter, and Hyatt—8.

Absent—Messrs. Bassett, Farquhar, Finch, Jones of Franklin, Jones of Scotland, Leslie, Simonds, Stewart, Wells, Wilcoxson, and Wright.

Absent with leave—Mr. Cannon.

Sick—Messrs. Forshey and Pitt.

Section 38 was then considered and agreed to.

Section 4, and the amendment moved thereto by Mr. McHenry, which were postponed on Monday the 15th instant, were now taken up.

The question was on the rejection of said amendment.

Pending which,

Mr. McHenry withdrew said amendment.

The said section 4, was now, by unanimous consent, amended by inserting after the word "county" wherever it occurs, the words "or district;" and after the word "counties" the words "or districts."

Section 4, as amended, was then agreed to.

Article III, as amended, was then agreed to; and

On motion of Mr. Massey,

The same was ordered to be engrossed.

And one hundred copies of the Article, when engrossed, were ordered to be printed,

The Convention then adjourned.

SATURDAY MORNING, DECEMBER 20.

On motion of Mr. Campbell,

Resolved, That the President of the Convention be authorized to engage the services of a competent clerk, to be employed in enrolling, engrossing, copying, and rendering such other services as may be necessary to keep up with the business of the Convention.

On motion,

The resolutions of Messrs. Leslie and Hunt, proposing to instruct the committee on Judicial Power, were taken up for consideration.

The resolutions introduced by Mr. Leslie on Thursday, November 27, were first considered.

Mr. Jones of Franklin moved to amend said resolutions by striking out all thereof and substituting therefor the following, to wit:

Resolved, 1st. That it is the sense of this Convention that the Judicial Power of this State, as to matters of law and equity, shall be vested in a Supreme Court, in a Circuit Court, and in such inferior tribunals as the General Assembly may, from time to time, ordain and establish.

2nd. The Supreme Court, except in cases otherwise directed by the Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

3rd. The Supreme Court shall consist of three judges, any two of whom shall be a quorum.

4th. That the judges of the Supreme Court shall be elected by the qualified electors of the State; and the judges of the Circuit Courts by the qualified electors of the Circuit.

The judges of the Supreme Court shall hold their offices for _____ years, if they shall so long faithfully demean themselves in office, and shall be subject to re-election.

The judges of the Circuit Court shall hold their offices for the term of four years, if they shall faithfully demean themselves in office, and shall be subject to re-election.

5th. That the committee on the Judiciary be instructed to report accordingly.

A motion was made by Mr. Bassett "that the resolution of Mr. Leslie, and the substitute of Mr. Jones of Franklin, do lie on the table."

And the question having been stated,

Was divided,

And was put, *first*, "that the said substitute do lie on the table;"

And was determined in the affirmative.

The question was then put, *secondly*, "that the resolution of Mr. Leslie do lie on the table;"

And it was determined in the negative.

On motion,

The Convention postponed, for the present, the 1st, 2nd, 3rd and 4th sections of said resolution, and proceeded to the consideration of section 5.

And the question was stated "that the Convention do agree to said section 5.

Pending which,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

Leave of absence was granted to Messrs. Ewing and Woodson; said leave to take effect from and after this day.

The question then recurred on the 5th section of Mr. Leslie's resolution.

And after debate,

Mr. Jones of Franklin moved "that the Convention do now adjourn."

And the question being put,

Was determined in the negative.

After further debate,

Mr. Anderson renewed the said motion to adjourn.

And the question being put,

It was again determined in the negative.

The question was then put "that the Convention do agree to said 5th section."

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Applegate, Bevitt, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Horine, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Morrow, Pannell, Pipkin, Polk, Porter, Shields, Slack, Thomas, and Wells—28.

NOES—Messrs. Alexander, Anderson, Branstetter, Broadhead, Brown, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Randolph, Jones of Scotland, Mitchell, Neaves, Nickel, Pitt, Stewart, Stone, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President—31.

Absent—Messrs. Bassett, Brooking, Simonds, Simpson, and Tong.

Absent, with leave—Mr. Cannon.

Sick—Mr. Acock.

The Convention then adjourned.

MONDAY MORNING, DECEMBER 22.

The Convention resumed the consideration of the resolutions of Mr. Leslie, proposing to instruct the committee on Judicial Power.

A motion was made by Mr. Hunt, that the vote of Saturday last, disagreeing to Section 5 of said resolutions, be re-considered.

Which motion was,

On motion of Mr. Coalter, laid on the table.

The remaining sections of the resolutions of Mr. Leslie were then postponed;

And the resolutions of Mr. Hunt, on the same subject, were taken up.

The first section of Mr. Hunt's resolutions was passed over, and the second section was taken up for consideration.

The previous question was moved by Mr. Massey, and being put, to wit: "Shall the main question be now put?"

It was determined in the negative (two-thirds not voting therefor,) by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Brown, Buford, Davis, Farquhar, Finch, Fulkerson, Gibbony, Horine, Hunter, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Porter, Simpson, and Tong—27.

NOES—Messrs. Anderson, Broadhead, Brooking, Bunch, Campbell, Coalter, Forshey, Foster, Gentry, Green, Griffin, Hickman, Hunt, Hyatt, Jackson of Howard, Jones of Franklin, Kincheloe, Leslie, Marmaduke, Morrow, Pipkin, Pitt, Shields, Simonds, Slack, Stewart, Stope, Thomas, Ward, Wells, Wilcoxson, Wright, Young and Mr. President—34.

Absent—Mr. Polk.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

After debate,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of Mr. Simonds,

Leave of absence was granted to Mr. Griffin.

The Convention resumed the consideration of Section 2 of Mr. Hunt's resolutions.

Mr. Wright moved to amend said section 2, by striking out all after the word "respectively," and inserting the following, to wit:

"They shall hold their offices during good behavior, but shall be liable to impeachment for misdemeanor in office. The General Assembly, also, shall have power to remove any circuit judge from office, for any cause, by a majority of each branch thereof: provided, that each house shall spread upon its journal the reason or reasons therefor; and provided also, that the removal by the General Assembly shall not work a disqualification."

After debate.

The Convention adjourned..

TUESDAY MORNING, DECEMBER 23.

The Convention resumed the consideration of the amendment moved by Mr. Wright on yesterday, to the 2nd section of the resolutions of Mr. Hunt, proposing to instruct the committee on Judicial Power.

And, after debate,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

The amendment moved by Mr. Wright to section 2 of Mr. Hunt's resolutions of instruction, was still under consideration.

After debate,

The previous question was moved by Mr. James,

And being put, to wit: "Shall the main question be now put?"

It was determined in the negative; two-thirds not voting therefor.

After further debate,

The question recurring on Mr. Wright's amendment,

A call of the Convention was moved by Mr. Jones of Newton;

And the question being put, "shall there be a call?"

Was determined in the negative.

The question again recurred on agreeing to Mr. Wright's amendment,

And being put,

It was determined in the negative, by ayes and noes, as follows :

AYES—Messrs. Broadhead, Campbell, Foster, Hickman, Hyatt, Polk, Wright, and Young—S.

NOES—Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Brown, Buford, Coalter, Finch, Forshey, Fulkerson, Gentry, Gibbony, Green, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wells, Wilcoxson, and Mr. President—44.

Absent—Messrs. Bassett, Brooking, Bunch, Davis, Farquhar, Jones of Scotland, Pitt, and Stone.

Absent with leave—Messrs. Cannon, Ewing, Griffin, and Woodson.

Sick—Messrs. Acock, and Stewart.

A motion was then made by Mr. Green, "that the Convention do adjourn."

And the question being put,
Was determined in the negative.

The question now recurred on agreeing to section 2 of Mr. Hunt's resolutions;

Pending which,

A motion was made by Mr. Thomas "that leave of absence be granted to Mr. Brooking;"

And the question being stated,
The ayes and noes were called for;
Whereupon,

On motion of Mr. Wells,
The Convention adjourned.

WEDNESDAY MORNING, DECEMBER 24.

The motion of Mr. Thomas, of yesterday, for leave of absence for Mr. Brooking, was announced as the subject under consideration.

Whereupon,

Mr. Thomas withdrew the said motion.

The Convention then resumed the consideration of Mr. Hunt's resolutions of instruction.

The question having been stated, "that the Convention do agree to the second section of said resolutions;"

Was divided,

And was put *first* on agreeing to so much of said section as is comprised in the following words, to wit: "That the judges of the circuit court be elected by the qualified electors of their circuits respectively,"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gentry, Gibbony, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, Simpson, Stewart, Tong, Wells, Wilcoxson, Young, and Mr. President—43.

NOES—Messrs. Campbell, Forshey, Foster, Green, Hickman, Hyatt, Leslie, Marmaduke, Pipkin, Pitt, Polk, Shields, Stone, Thomas, Ward, and Wright—16.

Absent—Messrs. Brooking, and Slack.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, and Griffin.

The question was, *secondly*, on agreeing to so much of said section 2 as is comprised in the following words, to wit:

"And for a limited term,"

When,

A motion was made by Mr. Massey to strike out the words "and for a limited term," and insert in lieu thereof the words "for a period of six years."

Mr. Anderson moved to amend this amendment by striking out the word "six," and inserting in lieu thereof the word "ten."

The question being on agreeing to the amendment to the amendment, Was divided,

And put on striking out the word "six;"

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Bevitt, Broadhead, Brown, Campbell, Farquhar, Forshey, Foster, Gentry, Hickman, Hyatt, Marmaduke, Morrow, Pitt, Polk, Stone, Thomas, Wright, Young, and Mr. President—21.

NOES—Messrs. Alexander, Bassett, Branstetter, Buford, Bunch, Coalter, Davis, Finch, Fulkerson, Gibbony, Green, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Stewart, Tong, Ward, Wells, and Wilcoxson—38.

Absent—Messrs. Brooking, and Slack.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, and Griffin.

So the amendment moved by Mr. Anderson was lost.

Mr. Bevitt then moved to amend the amendment by adding thereto the following words, to wit:

"And who shall not be eligible for re-election in the same circuit."

Which amendment was rejected.

Mr. Anderson now moved to amend the amendment by adding thereto the following words, to wit:

"And that no judge of the said circuit court shall be elected or appointed to any office of honor, profit, or trust, during the term for which he is elected, except that of judge of the Supreme court."

And the question, being on agreeing to this amendment, was put,

And was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brown, Campbell, Farquhar, Finch, Forshey, Foster, Gentry, Green, Hickman, Horine, Hyatt, James, Jones of Franklin, Jones

of Newton, Massey, Mitchell, Neaves, Polk, Porter, Stone, Ward, Wells, Wright, Young, and Mr. President—31.

NOES—Messrs. Applegate, Buford, Bunch, Coalter, Davis, Fulker-son, Gibbony, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, Jones of Scotland, Kincheloe, Leslie, McHenry, Morrow, Nickel, Pannell, Pipkin, Pitt, Shields, Simonds, Simpson, Stewart, Thomas, Tong, and Wilcoxson—27.

Absent—Messrs. Brooking, Marmaduke, and Slack.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, and Griffin.

Mr. Young moved to amend the amendment, as amended, by adding thereto the following, to wit:

“After the year ———, the General Assembly shall have power, by a majority of the votes of all the members elected to both houses, to provide for a different term of service and a different mode of choosing the judges; each house to vote separately, and to record such vote, by yeas and nays, on their respective journals; and if the next succeeding Legislature shall concur in such proposed change, then it shall become a part of this Constitution.”

Which amendment was rejected.

Mr. Broadhead then moved to amend the amendment, as amended, by adding the following words, to wit:

“After the year ———, the General Assembly shall have power, by a majority of the votes of all the members elected to both houses, to provide for a different term of service, or a different mode of choosing the judges; each house to vote separately, and to record such vote, by yeas and nays, on their respective journals; and after having submitted such amendment to a direct vote of the people, if a majority of the votes cast shall be in favor of such amendment, it shall be considered a part of the Constitution.”

A motion was made by Mr. Bevitt “that the foregoing amendment do lie on the table.”

Pending the consideration of which,

The Convention adjourned until half-past 2 o'clock, P. M.

EVENING SESSION.

The Convention resumed the consideration of the motion of Mr. Bevitt “that the amendment moved by Mr. Broadhead to the amendment of Mr. Massey, as amended, do lie on the table.”

And, after debate,

The question was put on agreeing thereto.

And was determined

in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bevitt, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gibbons, Horne, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, Simpson, Stewart, Tong, Wells, and Wilcoxson—37.

NOES—Messrs. Anderson, Branstetter, Broadhead, Campbell, Forshey, Foster, Gentry, Green, Hickman, Hyatt, Marmaduke, Pitt, Polk, Shields, Thomas, Ward, Wright, Young, and Mr. President—19.

Absent—Messrs. Bassett, Brooking, Pipkin, Slack, and Stone.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, and Griffin.

Mr. Wells now moved to amend the amendment, as amended, by inserting after the word "trust" the words "under the government of this State;" and also by adding to the end of the amendment the following words, to wit:

"Whenever a judge becomes a candidate for any office of the Federal Government, his office of judge shall become vacated."

Which amendments were agreed to.

The question was now on agreeing to the amendment moved by Mr. Massey, as amended;

And being put,

It was determined in the affirmative.

Mr. Thomas now asked to be excused from serving longer on the committee on Judicial Power; and,

Objections being made,

The question was put "shall Mr. Thomas be excused?"

And it was determined in the negative.

A motion was then made by Mr. Coalter "that the Convention do adjourn until Friday next, the 26th instant, at 9 o'clock, A. M."

And the question being put,

It was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Brown, Coalter, Davis, Finch, Green, Horine, Hunt, Jackson of Randolph, Jones of Scotland, Kincheloe, Leslie, Morrow, Pitt, Porter, Simonds, Simpson, Stewart, Ward, Wilcoxson, Wright and Mr. President—21.

NOES—Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Buford, Bunch, Campbell, Farquhar, Forshey, Foster, Fulkerson, Gentry, Gibbons, Hickman, Hunter, Hyatt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Marmaduke,

duke, Massey, McHer, Mitchell, Neaves, Mr. Polk,
Shields, Thomas, T. G. Wells, and Yon.

Absent—Messrs. Bassett, Brooking, Pipkin, Slack, and Stone.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, and Griffin.

A motion was then made by Mr. Massey "that the first section of Mr. Hunt's resolutions of instruction be now taken up for consideration."

And the question being put,
Was determined in the affirmative.

The Convention then adjourned.

THURSDAY MORNING, DECEMBER 25.

While the journal of yesterday was being read,

On motion of Mr. Green,

A call of the Convention was ordered.

And the roll being called, the following members were noted as being absent, to wit:

Absent—Messrs. Alexander, Bassett, Broadhead, Brooking, Brown, Buford, Coalter, Foster, Fulkerson, Gentry, Gibbony, Hunter, Jackson of Howard, Jones of Franklin, Leslie, Marmaduke, Massey, Mitchell, Nickel, Pipkin, Polk, Shields, Simonds, Simpson, Slack, Stone, Wells, Wilcoxson and Wright.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Messrs. Acock and Griffin.

On motion, all proceedings under the call were dispensed with.

And the Convention then adjourned.

FRIDAY MORNING, DECEMBER 26.

By consent Mr. Marmaduke recorded his vote in the negative on the question of Wednesday last, on agreeing to the amendment moved by

Mr. Anderson to the amendment of Mr. Massey to the second division of the second section of Mr. Hunt's resolutions of instruction.

Mr. Jones of Newton, from the select committee to which were referred the petitions of sundry citizens of this State, praying the abolition of the license system, submitted a report recommending a proposition to come in as section 19 of article 13.

The report was received, and

The proposition was read a first time, and is in the words following, to wit:

Sec. 19: That all property subject to taxation in this State shall be taxed in proportion to its value; and all capital invested in *trade* and *commerce* shall be taxed in proportion to its amount, and at the same rate that property is taxed for the time being.

Objections being made,

The question was put "shall the proposition be rejected?"

And it was determined in the negative by ayes and noes, as follows:

AYES—Messrs. Finch, Gentry, Green, Hunter, Massey, McHenry, Mitchell, Neaves, Simonds, Thomas and Tong—11.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Buford, Bunch, Campbell, Davis, Farquhar, Forshey, Foster, Fulkerson, Hickman, Horine, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Morrow, Nickel, Pannell, Pitt, Polk, Porter, Shields, Simpson, Stewart, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—41.

Absent—Messrs. Brooking, Brown, Coalter, Gibbon, Hyatt, Jackson of Howard, Pipkin, Slack and Stone.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Messrs. Acock and Griffin.

The said proposition was then ordered to a second reading.

The Convention then proceeded to the consideration of section 1 of Mr. Hunt's resolutions of instruction.

Mr. Forshey moved to amend said section by striking out all thereof, and inserting the following words, to wit:

Section 1. "That the Judges of the Supreme Court shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their offices during good behavior."

Mr. Bevitt moved to amend the foregoing amendment by striking out all after the words "section 1," and inserting in lieu thereof the following words, to wit:

The Judges of the Supreme Court shall be chosen by the qualified electors of the State for the term of _____ years.

And, for their election, the State shall be divided into as many districts, as nearly equal in population, as may be, as there are Judges of the Supreme Court to be elected. And each district shall elect one Judge of the Supreme Court.

The question was on agreeing to the amendment to the amendment
 And was divided, when,
 On motion of Mr. Marmaduke,
 A call of the Convention was ordered,
 And the roll being called,
 The following members were noted as being absent, to wit:

Absent—Messrs. Brooking, Brown, Pipkin, Slack and Stone.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Messrs. Acock and Griffin.

On motion,

All further proceedings under the call, were dispensed with.

A motion was now made by Mr. Thomas, "that section 1, and all matter arising thereout, do lie on the table."

And the question being put,

Was determined in the negative.

The question was now on agreeing to the first division of the amendment to the amendment, to wit:

"Strike out all of the amendment after the words, 'section 1,' and insert the following words, to wit:

The Judges of the Supreme Court shall be chosen by the qualified electors of the State for the term of ——— years."

And after debate,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

The question recurred on agreeing to the first division of the amendment to the amendment.

After debate,

The previous question was moved by Mr. Hunter;

Was demanded and put, to wit: "Shall the main question be now put?"

And it was determined in the affirmative.

The main question was then put *first*, "that the Convention do agree to the first division of the amendment moved by Mr. Bevitt;"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs: Applegate, Bevitt, Brown, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gentry, Gibbony, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, McHenry, Mitchell, Morrow, Nickel, Pannell, Porter, Simonds, Stewart, Tong, and Wells—29.

NOES—Messrs. Alexander, Branstetter, Broadhead, Buford, Campbell, Forshey, Foster, Green, Hickman, Hunter, Hyatt, Jackson of Howard, Marmaduke, Massey, Neaves, Pipkin, Pitt, Polk, Shields, Simpson, Thomas, Ward, Wilcoxson, Young, and Mr. President—25.

Absent—Messrs. Anderson, Bassett, Brooking, Horine, Slack, Stone, and Wright.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, and Griffin.

The main question was then put, *secondly*, "that the Convention do agree to the second division of Mr. Bevitt's amendment," which second division is in the words following, to wit:

"And for their election the State shall be divided into as many districts, as nearly equal in population as may be, as there are judges of the Supreme Court to be elected; and each district shall elect one judge of the Supreme Court."

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Applegate, Bevitt, Brown, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gentry, Gibbons, Hunt, James, Jones of Franklin, Jones of Newton, Leslie, Mitchell, Nickel, Pannel, Porter, Stewart, Tong, and Wells—23.

NOES—Messrs. Alexander, Branstetter, Broadhead, Buford, Campbell, Forshey, Foster, Green, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Morrow, Neaves, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Thomas, Ward, Wilcoxson, Young, and Mr. President—31.

Absent—Messrs. Anderson, Bassett, Brooking, Horine, Slack, Stone, and Wright.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, and Griffin.

Mr. Bevitt moved to fill the blank in the amendment, as amended, with the word "ten."

Mr. Broadhead moved to fill the blank with the word "twenty."

Mr. Tong moved to fill the blank with the word "eight."

Mr. Pitt moved to fill the blank with the word "sixteen."

Mr. Brown moved to fill the blank with the word "twelve."

Mr. Simonds moved to fill the blank with the word "six."

The question was put *first* on agreeing to the motion of Mr. Broadhead, "that the blank be filled with the word "twenty."

And it was determined in the negative.

The question was put, *secondly*, on the motion of Mr. Pitt "that the blank be filled with the word "sixteen."

And it was determined in the negative.

The question was put, *thirdly*, on the motion of Mr. Brown, "that the blank be filled with the word "twelve."

And it was determined in the negative.

The question was then put, *fourthly*, on agreeing to the motion of Mr. Bevitt, "that the blank be filled with the word "ten."

And it was determined in the affirmative, by ayes and noes, as follows:

—AYES—Messrs. Applegate, Bevitt, Branstetter, Broadhead, Brown, Campbell, Davis, Forshey, Foster, Gentry, Green, Hickman, Hunt, Hyatt, Jackson of Howard, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Morrow, Neaves, Pipkin, Pitt, Polk, Shields, Simpson, Thomas, Ward, Wilcoxson, Young, and Mr. President—31.

NOES—Messrs. Alexander, Buford, Bunch, Coalter, Farquhar, Fulkerson, Gibbony, Hunter, Jackson of Randolph, James, Jones of Franklin, Leslie, Massey, McHenry, Mitchell, Nickel, Pannell, Porter, Simonds, Stewart, Tong, and Wells—22.

Absent—Messrs. Anderson, Bassett, Brooking, Finch, Horine, Slack, Stone, and Wright.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, and Griffin.

Mr. Green now moved to amend the amendment, as amended and filled up, by adding thereto the following words, to wit:

"And that the judges elected at the first election under this Constitution, shall be classed so that the office of one of them shall expire in six years, one in eight years, and one in ten years; and no two terms shall expire at the same time."

Which was agreed to.

The question was now on agreeing to the amendment, as amended and filled up.

Pending which,

The Convention adjourned.

SATURDAY MORNING, DECEMBER 27.

Mr. McHenry, from a minority of the committee on Miscellaneous Provisions, to which was referred the proposed additional Article intro-

duced by Mr. McHenry on Wednesday, the 3rd instant, by leave, submitted a report;

Which was received.

Leave of absence was granted to Messrs. Neaves, Green, Foster, Kincheloe and Bevitt, until 2 o'clock, P. M. of this day.

Mr. Pitt, from the committee on Engrossed Amendments, reported as truly engrossed,

Article I,

Article IV,

Article IX,

Article XIII;

An Ordinance proposing to the Congress of the United States the extension of the South-Western Boundary of the State of Missouri;

Article III.

A motion was then made by Mr. Wright "that the Convention do adjourn until 2 o'clock, P. M."

And the question being put,

Was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brown, Bunch, Campbell, Davis, Foster, Green, Griffin, Hickman, Horine, Hunt, Jackson of Randolph, Jones of Scotland, Kincheloe, Leslie, Neaves, Pipkin, Simonds, Stewart, Ward, Wilcoxson, Wright, Young, and Mr. President—29.

NOES—Messrs. Alexander, Buford, Farquhar, Finch, Forshey, Fulker-son, Gentry, Gibbony, Hunter, Hyatt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pitt, Polk, Porter, Shields, Simpson, Thomas, Tong, and Wells—29.

Absent—Messrs. Brooking, Coalter, Slack, and Stone.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

The Convention now resumed the consideration of section 1 of Mr. Hunt's resolutions of instruction.

The question pending at the adjournment yesterday, was on Mr. Forshey's amendment, as amended and filled up.

Mr. Brown moved to amend the same by striking out all thereof and inserting the following, to wit:

Section 1. That the Supreme court shall be appointed by joint vote of both houses of the General Assembly, for the term of twelve years; and that the judges appointed at the first session of the General Assembly, under this Constitution, shall be classed so that the office of one of them shall expire in four years,—one in eight years,—and one in twelve years; and no two terms shall expire at the same time."

The question was put on agreeing to the foregoing amendment, And was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Branstetter, Brown, Campbell, Foster, Green, Hickman, Jackson of Howard, Leslie, Pipkin, Polk, Ward, and Young—12.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Broadhead, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Forshey, Fulkerson, Gentry, Gibbony, Griffin, Horine, Hunt, Hunter, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pitt, Porter, Shields, Simonds, Simpson, Stewart, Thomas, Tong, Wells, Wilcoxson, Wright, and Mr. President—46.

Absent—Messrs. Brooking, Slack, and Stone.

Absent with leave—Messrs. Cannon, Ewing, Neaves, and Woodson.

Sick—Mr. Acock.

The amendment, as amended and filled up, was then agreed to; and, consequently, stands as the first section of said resolutions.

Section 3 was then taken up for consideration.

A motion was made by Mr. Hunter "that said section be stricken out."

And the question being put,

Was determined in the affirmative.

Section 4 was then considered; and,

On motion of Mr. Hunter,

Was also stricken out.

Mr. Massey now moved to insert the following as an additional section, to be numbered "3," to wit:

"Resolved, That the committee on Judicial Power be instructed to make their report so as to require that the State shall be divided into convenient districts, not less than five in number, in each of which the Supreme Court shall hold at least one session annually. Also to make their report, dividing the State into nine judicial circuits, with a proviso that the Legislature may, after ten years—should the public convenience require it—make additional circuits."

Pending the consideration of the foregoing amendment,

A motion was made by Mr. Coalter, "that the resolutions, and the whole subject matter arising thereout, do lie on the table."

The question was on agreeing to the foregoing motion,

Pending which,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

The question recurred on the motion of Mr. Coalter, "that the resolutions, and the whole subject-matter arising thereout, do lie on the table."

And being put,

It was determined in the negative.

The question now recurred on the amendment moved by Mr. Massey;

And was divided.

The question was then on the first division of said amendment, which is comprised in the following words, to wit:

"That the committee on Judicial Power be instructed to make their report so as to require that the State shall be divided into convenient districts, not less than five in number, in each of which the Supreme Court shall hold at least one session annually."

Mr. Hunt moved to amend said first division by striking out all thereof and inserting the following words, to wit:

"That the Supreme Court shall hold two sessions annually, at the Seat of Government, until otherwise directed by law."

And the question being on agreeing to this amendment,

Was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Applegate, Bevitt, Branstetter, Broadhead, Brown, Buford, Davis, Farquhar, Forshey, Gibbony, Green, Griffin, Hunt, Hunter, Jackson of Howard, James, Jones of Newton, Jones of Scotland, Marmaduke, Morrow, Neaves, Pannell, Pipkin, Porter, Shields, Ward, Wilcoxson, Young, and Mr. President—2c.

NOES—Messrs. Alexander, Anderson, Bassett, Bunch, Campbell, Coalter, Finch, Foster, Fulkerson, Gentry, Hickman, Horine, Hyatt, Jackson of Randolph, Jones of Franklin, Kincheloe, Massey, McHenry, Mitchell, Nickel, Polk, Simonds, Simpson, Stewart, Tong, Wells, and Wright—27.

Absent—Messrs. Brooking, Slack, Stone, and Thomas.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Leslie, and Pitt.

The question was now on the second division of the amendment moved by Mr. Massey, which is in the words following, to wit:

"Also, to make their report dividing the State into nine judicial circuits, with a proviso that the Legislature may, after ten years—should the public convenience require it—make additional circuits."

Mr. Young moved to amend the said second division, by striking out all thereof and inserting the following, to wit:

"Resolved, That it is the sense of this Convention that the number

of circuits shall be reduced to such number that the average amount of time employed by the judges in the performance of their duties on the circuit, shall amount to ——— weeks in a year;

“And that no new circuit shall be made until the average amount of time employed by the judges, in the performance of their duties on the circuit, shall amount to ——— weeks in a year.”

Mr. Polk moved “that the said second division of Mr. Massey’s amendment, and the foregoing amendment thereto; do lie on the table.”

And the question being put,

Was determined in the affirmative.

A motion was now made by Mr. Jackson of Howard “that the motion of Mr. Hunt, of Monday last, to wit: “That the vote of Saturday last, disagreeing to the fifth section of Mr. Leslie’s resolutions, be reconsidered,” be now taken up.”

And the question being put,

Was determined in the affirmative.

On motion of Mr. Wright,

A call of the Convention was ordered;

And the roll being called, the following members were noted as being absent, to wit:

Absent—Messrs. Brooking, Pitt, Slack, and Stone.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Mr. Hyatt moved “that the absentees be sent for.”

And the question being put,

Was determined in the negative.

The question now recurred on the motion to reconsider;

Pending which,

Mr. Pitt moved a call of the Convention.

And the question being put, “Shall there be a call?”

Was determined in the negative.

The question again recurred on agreeing to the motion to reconsider.

And being put,

Was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Applegate, Bevitt, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Morrow, Pannell, Pipkin, Polk, Shields, Simonds, and Wells—27.

NOES—Messrs. Alexander, Anderson, Bassett, Branstetter, Broadhead, Brown, Buford, Campbell, Forshey, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Hunter, Hyatt, Jones of Scotland, Mitchell,

Neaves, Nickel, Pitt, Porter, Simpson, Stewart, Thomas, Tong, Wilcoxson, Wright, Young, and Mr. President—31.

Absent—Messrs. Brooking, Slack, Stone, and Ward.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

So the Convention refused to reconsider the vote of Saturday last, disagreeing to the fifth section of Mr. Leslie's resolutions of instruction.

Mr. Griffin now moved "that the Convention do adjourn."

And the question being put.

Was determined in the negative.

A motion was then made by Mr. Mitchell "that the Convention do reconsider the vote of yesterday agreeing to the first division of Mr. Bevitt's amendment providing for the election of Judges of the Supreme Court by the people."

Which motion was,

On motion of Mr. Bassett,

Ordered to lie on the table.

A motion was now made by Mr. Polk "that the second division of Mr. Massey's amendment, and the amendment proposed thereto by Mr. Young, be taken up from the table."

Pending the consideration of which,

A motion was made by Mr. Simpson "that the Convention do adjourn."

And the question being put,

Was determined in the negative.

The question then recurred on agreeing to the motion of Mr. Polk.

And it was determined in the affirmative.

Mr. Jackson of Randolph now moved, "that the resolutions as amended, together with the amendments proposed thereto by Messrs. Massey and Young, be referred to the committee on Judicial Power."

And the question was on agreeing thereto,

When the Convention adjourned.

MONDAY MORNING, DECEMBER 29.

The following resolution was submitted by Mr. Thomas, to wit:

Resolved, That, hereafter, no member of this Convention shall be permitted to speak more than half an hour at one time, and not more than twice on the same subject.

The previous question was moved by Mr. Thomas;
Was demanded, and put, to wit: "Shall the main question be now put?"

And it was determined in the affirmative.

The main question was then put, to wit: "That the Convention do agree to said resolution."

And it was determined in the affirmative.

The Convention resumed the consideration of Mr. Hunt's resolutions of instruction.

The question pending at the adjournment on Saturday last, was on the motion of Mr. Jacson of Randolph "that the resolutions, as amended, together with the amendments proposed thereto by Messrs. Massey and Young, be referred to the committee on Judicial Power."

A motion was made by Mr. Shields "that the said motion, and the resolutions and amendments therein mentioned, do lie on the table."

Mr. Shields also moved a call of the Convention.

And, on the question "shall there be a call?"

It was determined in the affirmative.

Whereupon,

The roll was called, and the following members were noted as being absent, to wit:

Absent—Messrs. Applegate, Coalter, Gibbony, Horine, Hyatt, Jackson of Randolph, Mitchell, Pitt, Stone, Ward, and Wright.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

A motion was made by Mr. Young "that all proceedings under the call be dispensed with."

And the question being put,

Was determined in the negative.

The Door-keeper was then sent forth he absentees.

Mr. Jones of Newton; from the committee on Miscellaneous Provisions, by leave of the Convention, now submitted the following report, to wit:

"Mr. President :

"The committee on Miscellaneous Provisions have instructed me to report the accompanying Proposition as the Tenth Article of the Constitution. Also, the accompanying Preamble to the Constitution; the adoption of which they recommend."

The report was received, and

The proposition and preamble were severally read a first time, and ordered to a second reading.

The said proposition is in the words following, to wit:

ARTICLE X.

Of the disposal of soil, and the navigation of rivers.

Section 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on land, the property of the United States, nor shall lands belonging to persons residing out of the limits of this State ever be taxed higher than the lands belonging to persons residing within the State.

Section 2. The State shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said State, so far as the said river shall form a common boundary to the said State; and any other State or States, now or hereafter to be formed, and bounded by the same, and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this State, shall be common highways, and forever free to the citizens of this State and of the United States, without any tax, duty, impost or toll therefor, imposed by this State.

The said Preamble is in the words following, to wit:

WHEREAS, The people of Missouri Territory having the right of admission into the General Government as a member State thereof, consistent with the Constitution of the United States, and an act of Congress, approved March 6th, 1820, entitled "An act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States, and to prohibit slavery in certain territories," by their representatives in Convention assembled at St. Louis on Monday, the 12th day of June, A. D. 1820, did mutually agree to form and establish a free and independent republic by the name of "the State of Missouri," and established a Constitution for the permanent government thereof; and whereas, the General Assembly of the said State of Missouri, (in accordance with the declaration contained in the second section of XIII Article of the Constitution) by an act approved February 27th, 1843, entitled "An act to provide for the call of a Convention," did authorize and provide for the election, by the people, of delegates to assemble at the City of Jefferson, in general convention, on the third Monday of November, one thousand eight hundred and forty-five, with "the power to form and propose a new Constitution for this State;" and whereas, also, the said people of Missouri, by their votes polled at the general election held on the first Monday in August, A. D. 1844, did ratify the said act of the General Assembly, and consent to the call of said Convention:

We, therefore, the delegates of the people of the State of Mis-

Missouri, elected and in Convention assembled, in pursuance of said act of the General Assembly, and the voice of the people have ordained and established the following Constitution and form of government for this State, which we recommend to the people of Missouri, for their ratification : that is to say:

By leave of the Convention,

Mr. Simonds now introduced a proposition as Article XII of the Constitution;

Which was read a first time and ordered to a second reading; and is in the words following, to wit :

ARTICLE XII.

Section 1. The General Assembly may, at any regular session thereof, after the year 1850, a majority of all the members elected concurring, propose any number of amendments to this Constitution not exceeding three, but the same amendment shall not, when once rejected, as herein provided, be again submitted until the expiration of six years.

Section 2. It shall be the duty of the Legislature proposing such amendments, to cause them to be distinctly stated and published in the public newspapers in different parts of the State, and provide by law for submitting them separately to a direct vote of the qualified electors, at the next general election, for approval or rejection.

Section 3. It shall be the duty of the officer, in each county, to whom the returns of the election in said county are made, within ten days from the day of the election, to forward a transcript of all the votes given for and against the proposed amendments, to the Governor of the State. The Governor of the State shall, within sixty days from the day of election (returns having all been made) canvass the votes publicly, and in the presence of the Secretary of State and the Attorney General. If it shall appear that a majority of all the qualified electors of the State have voted for said changes, or either of them, he shall proclaim them a part of the Constitution, in force from the date of the proclamation.

Mr. Jones of Newton now moved that all proceedings under the call be dispensed with.

And the question being put,

Was determined in the negative.

The door-keeper having returned, now reported that Messrs, Applegate, Coalter, Gibbony, Horine, Jackson of Randolph, Mitchell, Pitt, Ward and Wright were in attendance.

Whereupon,

On motion of Mr. Marmaduke,

All further proceedings under the call were dispensed with.

The question now recurred on agreeing to the motion of Mr. Shields, that the motion of Mr. Jackson of Randolph, together with the resolutions and amendments therein mentioned, do lie on the table.

And being put,

It was determined in the affirmative.

The Convention then resumed the consideration of the motion of Mr. Mitchell, of Saturday last, that the Convention do reconsider the vote of yesterday agreeing to the first division of Mr. Bevitt's amendment, providing for the election of Judges of the Supreme Court by the people.

And the question being on agreeing thereto,

Was decided in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Anderson, Bassett, Branstetter, Broadhead, Brooking, Brown, Bunch, Campbell, Finch, Forshey, Foster, Gentry, Green, Hickman, Hunter, Jackson of Howard, Jones of Scotland, Leslie, Marmaduke, Massey, Mitchell, Morrow, Neaves, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wilcoxson, Wright, Young and Mr. President—39.

NOES—Messrs. Applegate, Bevitt, Buford, Coalter, Davis, Farquhar, Fulkerson, Gibbony, Griffin, Horine, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, McHenry, Nickel, Pannell, Simonds and Wells—21.

Absent—Messrs. Hyatt and Stone.

Absent, with leave---Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

The said vote being reconsidered,

The question was again on agreeing to said first division, when . . .

A motion was made by Mr. Green that the said first division together with the amendment of Mr. Forshey, do lie on the table.

The previous question was now moved by Mr. Bevitt;

Was demanded, put and carried in the affirmative.

The main question was then put,

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Bassett, Broadhead, Brooking, Brown, Buford, Campbell, Farquhar, Finch, Forshey, Foster, Gentry, Green, Hickman, Hyatt, Jackson of Howard, Jones of Scotland, Leslie, Marmaduke, Massey, Mitchell, Neaves, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wilcoxson, Wright, Young and Mr. President—39.

NOES—Messrs. Applegate, Bevitt, Branstetter, Bunch, Coalter, Davis, Fulkerson, Gibbony, Griffin, Horine, Hunt, Hunter, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, McHenry, Morrow, Nickel, Simonds and Wells—22.

Absent—Mr. Stone.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

And so it was ordered that the amendment moved on Friday last by Mr. Forshey to the first section of Mr. Hunt's resolutions, and the first division of the amendment thereto, moved by Mr. Bevitt, do lie on the table.

Mr. Finch now moved to amend said section 1 by striking out all thereof, and inserting the following, to wit:

"The Supreme Court shall consist of three Judges, who shall be nominated and appointed by the Governor, by and with the advice and consent of two-thirds of Senators present. They shall hold their offices for the term of twelve years, and shall be classed so that the office of one Judge shall expire every fourth year, and so that the offices of no two Judges shall expire at the same time; *provided however*, that when a vacancy shall exist in the Supreme Bench within five days next before the adjournment of the Legislature, in such case the Senate shall nominate and elect, by two-thirds of the members present, a Judge to fill such vacancy."

Mr. Green moved to amend the amendment by striking out all thereof, and inserting the following, to wit:

"The Supreme Court shall consist of three Judges, who shall be nominated and appointed by the Governor by and with the advice and consent of the Senate, they shall hold their offices for the term of ——— years, and shall be so classed that that the office of one Judge shall expire every ——— year, and so that the office of no two Judges shall expire at the same time.

Provided, that when a vacancy shall exist in the Supreme Bench within five days next before the adjournment of the Legislature, and no nomination shall be before the Senate for their confirmation, the Senate shall nominate and elect a Supreme Judge to fill such vacancy."

A motion was made by Mr. Jones of Franklin, that the amendment and the amendment thereto, do lie on the table.

And the question being put, was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bevitt, Buford, Bunch, Davis, Farquhar, Fulkerson, Gibbony, Griffin, Horine, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Massey, McHenry, Morrow, Nickel, Pannell, Simonds, Stewart and Wells—26.

NOES—Messrs. Anderson, Bassett, Branstetter, Broadhead, Brook-
ing, Brown, Campbell, Coalter, Finch, Forshey, Foster, Gentry, Green,
Hickman, Hunter, Hyatt, Jackson of Howard, Jones of Scotland, Mar-
maduke, Mitchell, Neaves, Pipkin, Pitt, Polk, Porter, Shields, Simpson,
Slack, Thomas, Tong, Ward, Wilcoxson, Wright, Young and Mr. Pres-
ident—35.

Absent—Mr. Stone.

Absent, on leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

Mr. Slack moved to fill the first blank in the amendment to the amendment with the word "*six*."

Mr. Campbell moved to fill said blank with the word "*twelve*."

On this last motion the previous question was moved by Mr. Coalter, And under its operation the main question was put, to wit:

"Shall the said blank be filled with the word "*twelve*?"

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Branstetter, Broadhead, Brooking, Brown, Campbell, Coalter, Finch, Forshey, Foster, Gentry, Green, Griffin, Hickman, Hunter, Hyatt, Marmaduke, Massey, Morrow, Neaves, Pipkin, Pitt, Polk, Shields, Thomas, Ward, Wright, Young, and Mr. President—29.

NOES—Messrs. Alexander, Applegate, Bassett, Bevitt, Buford, Bunch, Davis, Farquhar, Fulkerson, Gibbony, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, McHenry, Mitchell, Nickel, Pannell, Porter, Simonds, Simpson, Slack, Stewart, Tong, Wells and Wilcoxson—32.

Absent—Mr. Stone.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

Mr. Marmaduke now moved to fill said blank with the word "*nine*."

Mr. Pipkin moved to fill the same with the word "*ten*."

On this last motion the previous question was moved by Mr. Anderson, and under its operation,

The main question was put, to wit: "Shall the said blank be filled with the word "*ten*?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Campbell, Coalter, Finch, Forshey, Foster, Gentry, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Kincheloe, Marmaduke, Massey, Mitchell, Morrow, Neaves, Pipkin, Pitt, Polk, Shields, Simpson, Thomas, Ward, Wells, Wright, Young and Mr. President—35.

NOES—Messrs. Alexander, Applegate, Brown, Buford, Bunch, Davis, Farquhar, Fulkerson, Gibbony, Horine, Jackson of Howard,

Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, McHenry, Nickel, Pannell, Porter, Simonds, Slack, Stewart, Tong and Wilcoxson—26.

Absent—Mr. Stone.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

The question being then on agreeing to the amendment moved by Mr. Green to the amendment,

The previous question was moved by Mr. Thomas,
And under its operation the main question was put, to wit:
“Shall the amendment to the amendment be agreed to?”

And it was determined in the negative by ayes and noes, as follows :

AYES—Messrs. Bassett, Branstetter, Brooking, Brown, Campbell, Finch, Foster, Gentry, Green, Hickman, Hunter, Hyatt, Marmaduke, Massey, Mitchell, Neaves, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Thomas, Tong, Ward, Wright and Mr. President—27.

NOES—Messrs. Alexander, Anderson, Applegate, Bevitt, Broadhead, Buford, Bunch, Coalter, Davis, Farquhar, Forshey, Fulkerson, Gibbony, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, McHenry, Morrow, Nickel, Pannell, Simonds, Slack, Stewart, Wells, Wilcoxson and Young—34.

Absent—Mr. Stone.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

Mr. Anderson now moved to amend the amendment by striking out all thereof, and inserting the following, to wit:

“The General Assembly shall divide the State into four Supreme Judicial districts, as nearly square as possible, and containing as near as may be, an equal number of inhabitants; and each district shall separately elect one Supreme Judge for the period of ten years, and until his successor is duly elected and qualified: And said Judges shall constitute the Supreme Court of Missouri, and shall hold two terms every year in each district, at such place therein as the General Assembly may designate.”

The question was put,

“Shall the amendment to the amendment be agreed to?”

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Bevitt, Brown, Buford, Bunch,

Coalter, Davis, Farquhar, Fulkerson, Gentry, Gibbony, Griffin, Horine, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Massey, McHenry, Nickel, Pannell, Porter, Simonds, Stewart, Tong and Wells—29.

NOES—Messrs. Alexander, Bassett, Branstetter, Broadhead, Brook-
ing, Campbell, Finch, Forshey, Foster, Green, Hickman, Hunter,
Hyatt, Jackson of Howard, Jones of Scotland, Leslie, Marmaduke,
Mitchell, Morrow, Neaves, Pipkin, Pitt, Polk, Shields, Simpson, Slack,
Thomas, Ward, Wilcoxson, Wright, Young and Mr. President—32.

Absent—Mr. Stone.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

Mr. Hunter now moved to amend the amendment by striking out the words “two-thirds of” and inserting the word “the” before the word “Senators.”

Which amendment was accepted by Mr. Finch.

Mr. McHenry then moved to amend the amendment, as modified, by striking out all of the proviso.

Which amendment was also accepted by Mr. Finch.

The question was now on Mr. Finch's amendment as modified,

And the previous question being moved by Mr. Neaves, was demanded, put and carried in the affirmative.

The main question was then put, to wit:

“Shall the amendment as modified be agreed to?”

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Bassett, Branstetter, Broadhead, Brook-
ing, Brown, Campbell, Coalter, Finch, Forshey, Foster, Gentry, Green,
Hickman, Hunter, Hyatt, Jackson of Howard, Jones of Scotland, Kin-
cheloe, Marmaduke, Massey, Neaves, Pipkin, Pitt, Polk, Shields, Simp-
son, Thomas, Ward, Wright, Young and Mr. President—32.

NOES—Messrs. Alexander, Applegate, Bevitt, Buford, Bunch, Da-
vis, Farquhar, Fulkerson, Gibbony, Griffin, Horine, Hunt, Jackson of
Randolph, James, Jones of Franklin, Jones of Newton, Leslie, Mc-
Henry, Mitchell, Morrow, Nickel, Pannell, Porter, Simonds, Slack,
Stewart, Tong, Wells, Wilcoxson—29.

Absent—Mr. Stone.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

And so it was resolved,

First:—That the Supreme Court shall consist of three Judges, who shall be nominated and appointed by the Governor, by and with the advice and consent of the Senators present. They shall hold their offices

for the term of twelve years, and shall be classed so that the office of one Judge shall expire every fourth year; and so that the offices of no two Judges shall expire at the same time.

Section 5 of Mr. Hunt's resolutions was then considered and agreed to. Whereupon,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of Mr. Hunt, ordered,

That the amendment moved by Mr. Massey as the third section of Mr. Hunt's resolutions of instruction, and the amendment thereto moved by Mr. Young, be referred to the committee on judicial power.

On motion of Mr. Jones of Newton,

The regular order of business was suspended and the "*ORDINANCE proposing to the Congress of the United States the extension of the South-western boundary of the State of Missouri,*" was read a third time.

The following amendment by way of rider, was moved by Mr. McHenry to the said ordinance, to wit:

"Strike out all after the words "the main channel of Spring river," and insert the following words, to wit:"

"To some point within four miles of the west line of the State, thence north, parallel with said line, to the Kansas river; thence down the same to the west line of the State; thence with said line to the beginning; to include all that portion of territory included in the above named bounds, and west of said line of the State."

This amendment was read a first time; and,

Objections being made,

The question was "shall the amendment be rejected?"

And it was determined in the affirmative by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brown, Buford, Bunch, Campbell, Coalter, Davis, Farquhar, Forshey, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter, Jackson of Randolph, Jones of Newton, Jones of Scotland, Leslie, Mitchell, Nickel, Pipkin, Polk, Simpson, Slack, Thomas, Wells, Young and Mr. President—37.

NOES—Messrs. Bassett, Brooking, Finch, Fulkerson, Hyatt, Jackson of Howard, James, Jones of Franklin, Kinchloe, Marmaduke, Massey, McHenry, Morrow, Neaves, Pannell, Pitt, Porter, Shields, Simonds, Stewart, Tong, Ward, Wilcoxson, and Wright—24.

Absent—Mr. Stone.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

No other amendment being offered,
 The question recurred on the adoption of the Ordinance;
 And being put,
 It was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Applegate, Bevitt, Buford, Bunch, Campbell, Coalter, Davis, Finch, Fulkerson, Gibbony, Green, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Pannell, Pitt, Polk, Simonds, Slack, Tong, Ward, Young, and Mr. President.—37.

NOES—Messrs. Anderson, Bassett, Branstetter, Broadhead, Brook-
 ing, Brown, Farquhar, Forshey, Foster, Gentry, Griffin, Hickman,
 Leslie, Marmaduke, Nickel, Pipkin, Porter, Shields, Simpson, Stewart,
 Thomas, Wells, Wilcoxson, and Wright—24.

Absent—Mr. Stone.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

On motion of Mr. Pitt,
 The order of business was again passed over,
 And Article VIII, as reported by the committee on Banks and Cor-
 porations, was taken up and read a second time.

Section 1 was first considered.

Mr. Wells moved to amend said section by striking out all thereof
 and inserting the following, to wit:

Section 1. No corporate body shall hereafter be created, renewed,
 or established in this State, with any banking or discounting privileges,
 until the following pre-requisites have been complied with:

First. The law creating, renewing or establishing such corporation
 shall be published, with all its details, in ——— newspapers,
 printed in the State, for three months preceding the next general
 election following the passage of such law.

Second.—The qualified electors of the State shall have fair oppor-
 tunity of voting for or against such law, at a general election.

Third. The question of "for" or "against" such law shall be pre-
 sented to the qualified electors of the State, in suitable columns
 in the poll-books of such general election, disconnected from any
 other question.

Fourth. If a majority of the whole number of the electors voting at
 such general election, vote for such law, it shall be a law in all its
 provisions—but not, otherwise.

Which amendment was read twice; when

Mr. Pitt moved to amend the foregoing amendment by striking out all thereof and inserting the following, to wit:

"The General Assembly shall have power to create corporations with banking and discounting privileges, but, with the following restrictions: No corporation, with banking or discounting privileges, shall be created, unless each stockholder in said corporation shall be made individually liable, according to the amount of his interest in said corporation, for all debts, dues and demands which may, in any manner, be created by said corporation; and no transfer of stock or interest by any stockholder, shall lessen or diminish his liability."

The previous question was moved by Mr. Coalter; was demanded, put, and carried in the affirmative.

The main question was then put, to wit: "Shall the amendment to the amendment be agreed to?"

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Branstetter, Brooking, Bunch, Pipkin, and Pitt—6.

NOES—Messrs. Alexander, Applegate, Bassett, Bevitt, Broadhead, Brown, Buford, Campbell, Coalter, Davis, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, Wright, Young and Mr. President—55.

Absent—Mr. Stone.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

The previous question was now moved by Mr. Coalter; was demanded, put, and carried in the affirmative.

The main question was then put, to wit: "Shall the amendment be agreed to?"

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Applegate, Bassett, Branstetter, Broadhead, Brooking, Campbell, Coalter, Forshey, Foster, Gibbony, Hickman, Hyatt, Jones of Scotland, Kincheloe, Leslie, Neaves, Pitt, Polk, Porter, Stewart, Thomas, Ward, Wells, Wright, and Young—26.

NOES—Messrs. Alexander, Bevitt, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gentry, Green, Griffin, Horine, Hunt,

Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Shields, Simonds, Simpson, Slack, Tong, Wilcoxson, and Mr. President—35.

Absent—Mr. Stone.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

The previous question was then moved by Mr. Massey; and was demanded, put, and carried in the affirmative.

The main question was then put, to wit: "Shall section 1 be agreed to?"

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Bevitt, Brown, Farquhar, Finch, Fulkerson, Green, Griffin, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, Massey, McHenry, Morrow, Nickel, Pannell, Pipkin, Shields, Simonds, Slack, Tong, Wilcoxson, and Mr. President—28.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Branstetter, Broadhead, Brooking, Buford, Bunch, Campbell, Coalter, Davis, Forshey, Foster, Gentry, Gibbony, Hickman, Horine, Hyatt, Kincheloe, Leslie, Mitchell, Neaves, Pitt, Polk, Porter, Simpson, Stewart, Thomas, Ward, Wells, Wright, and Young—33.

Absent—Mr. Stone.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Mr. Simonds moved the following amendment, to come in as section 1, to wit:

Section 1. The General Assembly shall have no power to grant any charter of incorporation, until the stockholders shall become liable, individually, for the payment of the debts thereof: and the General Assembly shall have power to repeal any law of the State granting incorporations; provided, the causes shall be stated at large on the journals of both houses.

Incorporations, with banking powers, may be chartered *only* with this further restriction: The stockholders shall give bond and security in double the amount of capital invested therein; and the stockholders, together with their assignees, shall be individually liable for all the debts thereof; and such debts shall be a lien on their property, both real and personal, from the date thereof.

Which amendment was read twice; when

The previous question was moved by Mr. Bassett; was demanded, put, and carried in the affirmative.

The main question was then put;

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Applegate, Brown, Bunch, Griffin, Horine, Kinche-loe, Leslie, Massey, Neaves, Simonds, and Mr. President—11.

NOES—Messrs. Alexander, Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Buford, Campbell, Coalter, Davis, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, Wright, and Young—50.

Absent—Mr. Stone.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

So the amendment of Mr. Simonds was lost.

Mr. Polk then moved an amendment as section 1, which is in the words following, to wit:

Section 1. No corporate body shall hereafter be created, renewed or extended, with the privileges of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any other bank, to circulate as money.

Which amendment was read twice.

Mr. Anderson then moved to amend said amendment, by striking out all thereof, and inserting the following, to wit:

Section 1. One State Bank shall be established, with such number of branches as the General Assembly may, from time to time, deem expedient.

Provided, That no bank shall be chartered, nor branch-bank established, nor bank charter renewed, until the same shall have been submitted to the people, in a way provided by the Legislature, and a majority of the qualified electors of the State shall have voted in favor of the chartering, establishment, or renewal of the same. Nor shall more than one branch be established at any one session of the General Assembly; nor shall any bank or branch-bank be established, or bank charter renewed, but in conformity with the following rules:

First. The State shall not be permitted to subscribe for, or purchase

any of the stock of said bank, except in cases when it may be necessary to secure debts due to the State.

Second. The individual stockholders shall be liable, respectively, for the debts of the bank in proportion to their stock holden therein.

Third. The remedy for collecting debts shall be reciprocal for and against the bank.

At this stage of the proceedings,
The Convention adjourned.

TUESDAY MORNING, DECEMBER 30.

— Mr. Pitt, by leave, introduced the following resolution, to wit:

Resolved, That it is the sense of this Convention, that the people of the State of Missouri are generally competent to judge of their political affairs, and particularly to determine whether or not they will have a Bank, with discounting privileges, created; and that it is the further sense of this Convention, that those who follow the present generation will be capable of self-government.

Mr. Bassett moved "that the resolution do lie on the table."

Whereupon,

The previous question was moved by Mr. Polk; was demanded, put, and carried in the affirmative.

The main question was then put, to wit: "Shall the resolution lie on the table?"

And it was determined in the affirmative.

The Convention resumed the consideration of Article VIII.

The question pending at the adjournment yesterday, was on the amendment moved by Mr. Anderson to Mr. Polk's amendment, as section I.

The previous question was moved by Mr. Neaves;

And, on the question "shall the main question be now put?" it was determined in the negative, two-thirds not voting therefor, by ayes and noes, as follows:

AYES—Messrs. Bevitt, Branstetter, Broadhead, Brooking, Brown, Bunch, Coalter, Fulkerson, Gentry, Gibbony, Hickman, Horine, Hunt, Leslie, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Pipkin, Polk, Shields, Simpson, Stewart, Thomas, Tong, and Wells—28.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Buford, Campbell, Davis, Farquhar, Finch, Foster, Green, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Morrow, Pannell, Pitt, Porter,

Simonds, Slack, Ward, Wilcoxson, Wright, Young, and Mr. President—31.

Absent—Messrs. Forshey, Griffin, and Stone.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

The question recurred on the amendment to the amendment; and,
After debate,

The previous question was again moved by Mr. Thomas;

And, on the question “shall the main question be now put?”

It was again determined in the negative.

A motion was then made by Mr. Simonds, “that the Convention do now adjourn.”

And the question being put,

Was determined in the negative.

The question again recurred on the amendment to the amendment.

And, after further debate,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

The question again recurred on the amendment to the amendment.

And, after debate,

Mr. Anderson, by consent, modified the same, by adding to the Second Rule the following words, to wit:

“And no transfer of stock shall release the liability of any stockholder.”

The question was then put on agreeing to the said amendment to the amendment, as modified;

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Anderson, Bassett, Brooking, Bunch, Campbell, Foster, Gentry, Hickman, Hyatt, Kincheloe, Porter, Simpson, Ward, Wright, and Young—15.

NOES—Messrs. Alexander, Applegate, Bevitt, Branstetter, Broadhead, Brown, Buford, Coalter, Davis, Farquhar, Finch, Fulkerson, Gibbons, Green, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Shields, Simonds, Slack, Stewart, Stone, Thomas, Tong, and Wilcoxson—42.

Absent—Messrs. Forshey, Griffin, Pitt, Wells, and Mr. President.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

The question now recurred on the amendment moved by Mr. Polk on yesterday.

The previous question was moved by Mr. Jones of Newton; was demanded, put, and carried in the affirmative.

On motion of Mr. Shields,

A call of the Convention was then ordered.

And the roll being called, the following members were noted as being absent, to wit:

Absent—Messrs. Griffin, Pitt, and Mr. President.³

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

On motion of Mr. Shields,

All proceedings under the call were dispensed with.

The main question was then put, to wit: "Shall the said amendment be agreed to?"

And was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Bevitt, Brown, Buford, Coalter, Davis, Farquhar Finch, Fulkerson, Green, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Shields, Simonds, Simpson, Slack, Thomas, Tong, and Wilcoxson—37.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Branstetter, Broadhead, Brooking, Bunch, Campbell, Forshey, Foster, Gentry, Gibbony, Hickman, Hyatt, Kincheloe, Porter, Stewart, Stone, Ward, Wells, Wright, and Young—23.

Absent—Mr. Pitt, and Mr. President.

Absent, on leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

And so the said amendment was agreed to, and consequently stands as the first section of Article VIII.

Section 2 was then read.

Mr. Jones of Newton moved to amend said section by striking out all thereof and inserting the following, to wit:

"Section 2. The General Assembly shall not have power to charter any private corporation, unless upon the following conditions:

First. That such corporation shall never exercise banking privileges.

Second. That the stockholders of such corporation are rendered personally liable, in their individual and private capacity, for the amount of stock invested and the debts of the corporation.

Third. That the General Assembly shall reserve the right to repeal, at any time, the charter of such corporation, in the charters by which they are created.

Which amendment was read a first time,
When,
The Convention adjourned.

WEDNESDAY MORNING, DECEMBER 31.

By leave of the Convention,

Mr. President recorded his vote in the negative on the question, of yesterday, on agreeing to the amendment moved by Mr. Anderson to Mr. Polk's amendment, as section 1 of Article VIII; and in the affirmative on the question to agree to the amendment of Mr. Polk.

The Convention resumed the consideration of Article VIII;

Whereupon,

The amendment to section 2, moved, on yesterday, by Mr. Jones of Newton, was read a second time.

Mr. Polk moved to amend said amendment, by striking out all thereof and inserting the following, to wit:

"Section 2. No corporation, except for political or municipal purposes, or for the purposes of education, or of charity, shall be created, unless the bill creating the same shall contain a provision that the charter of such corporation may be repealed and annulled by two-thirds of both houses of the General Assembly. And the stockholders in all private corporations, except corporations for the purposes of education and of charity, shall be responsible, in their individual and private capacity, for all debts and liabilities of every kind incurred by such corporations."

Which was agreed to.

Mr. Jackson of Howard moved to amend the foregoing amendment, by striking out the words "two-thirds," and inserting in lieu thereof the words "a majority." And, also, by adding thereto the words following, to wit:

"Nor shall any corporation be created for a longer period than twenty years; and *provided*, that no corporation shall exercise any privileges prohibited in the preceding section."

The question was on agreeing to this amendment;

And was divided,

And put, *first*, on striking out the words "two-thirds" and inserting the words "a majority."

And it was determined in the affirmative.

The question was put, *secondly*, on adding the remainder of the said amendment;

And was also determined in the affirmative.

Mr. Brown moved to amend the amendment, as amended, by adding thereto the following words, to wit:

"And the State shall not be part owner of the stock or property belonging to any corporation."

The question was "Shall this amendment be agreed to?"

And being put,

Was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Brown, Buford, Bunch, Campbell, Coalter, Davis, Finch, Forshey, Foster, Fulkerson, Gibbony, Green, Griffin, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Slack, Stewart, Ward, Wells, and Mr. President—42.

NOES—Messrs. Anderson, Broadhead, Brooking, Farquhar, Gentry, Hickman, Horine, Kincheloe, Marmaduke, Massey, Pipkin, Polk, Simpson, Stone, Thomas, and Young—17.

Absent—Messrs. Pitt, Tong, and Wright.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Mr. James moved to amend the amendment, as amended, by adding thereto the following words, to wit:

"Nor shall the Common School or Seminary Funds, nor any other funds or moneys which the State may at any time hold in trust for the citizens of this State, be placed in or loaned to any bank or other incorporate institution."

The question was put, "Shall this amendment be agreed to?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Coalter, Davis, Farquhar, Finch, Forshey, Foster, Fulkerson, Gibbony, Green, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Simpson, Slack, Tong, Ward, and Mr. President—46.

NOES—Messrs. Anderson, Gentry, Griffin, Marmaduke, Massey, Polk, Shields, Simonds, Stewart, Stone, Thomas, Wells, Wilcoxson, Wright, and Young—15.

Absent—Mr. Pitt.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

The question was then put, "Shall the amendment, as now amended, be agreed to?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Bevitt, Branstetter, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Green, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Tong, Ward, and Mr. President—37.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Broadhead, Brooking, Campbell, Coalter, Forshey, Foster, Gentry, Gibbony, Griffin, Hickman, Horne, Hyatt, Nickel, Stewart, Stone, Thomas, Wells, Wilcoxson, Wright, and Young—24.

Absent—Mr. Pitt.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Section 3 was then considered.

Mr. Jones of Newton moved to amend said section, by striking out all thereof and inserting the following, to wit:

"Section 3. All contracts of whatsoever nature, created after the ratification of this Constitution, the consideration of which is bank notes, (other than the notes of the present Bank of the State of Missouri,) or any paper which may be issued by or under the authority of any State or country, or by any association of private individuals, or by any private individual, as a currency, or which purports to be a circulating medium, shall be null and void; and the General Assembly shall have no power to pass any law enforcing such contracts."

Which amendment, having been read a first time, was objected to.

The previous question was then moved by Mr. McHenry; was demended, put, and carried in the affirmative.

Mr. Simonds asked to be excused from voting on the main question. Refused.

Mr. Pipkin called for the reading of Mr. Polk's amendment, which was yesterday adopted, as section 1 of Article VIII.

Refused.

The main question was then put, to wit: "Shall the amendment be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Bassett, Branstetter, Broadhead, Brooking, Bunch, Campbell, Coalter, Davis, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Wright, and Young—51.

NOES—Messrs. Bevitt, Buford, Green, Horine, Jones of Newton, Jones of Scotland, Marmaduke, Pipkin, and Mr. President—9.

Absent—Messrs. Brown, and Pitt.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Mr. Massey moved to amend said section 3, by striking out the words "and corporations."

Which amendment was read twice;

And the question being on agreeing thereto,

Was determined in the negative.

Mr. Polk moved to amend said section 3, by inserting, after the word "corporation," the words "except the Bank of the state of Missouri, and its branches."

Which amendment was read once,

And, objections being made,

The question was put "shall the amendment be rejected?"

And it was determined in the negative by ayes and noes, as follows:

AYES—Messrs. Bevitt, Branstetter, Brown, Buford, Davis, Farquhar, Finch, Griffin, Jackson of Howard, James, Jones of Newton, Massey, McHenry, Neaves, Pannell, and Simonds—16.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Broadhead, Brooking, Bunch, Campbell, Coalter, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Mitchell, Morrow, Nickel, Pipkin, Polk, Porter, Shields, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—45.

Absent—Mr. Pitt.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

The said amendment was then read a second time, and agreed to.

The question was, now, "Shall the said section 3, as amended, be agreed to?"

And being put,

It was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Brooking, Brown, Bunch, Coalter, Farquhar, Fulkerson, Green, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Kincheloe, Leslie, Marmaduke, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, Young, and Mr. President—43.

NOES—Messrs. Anderson, Broadhead, Buford, Campbell, Davis, Finch, Forshey, Foster, Gentry, Gibbony, Griffin, Hickman, Jones of Newton, Massey, McHenry, Stone, and Wright—17.

Absent—Messrs. Jones of Scotland, and Pitt.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Section 4 was then read.

The previous question was moved by Mr. Anderson; was demanded, put, and carried in the affirmative.

The main question was then put, to wit: "Shall the said section 4 be agreed to?"

And it was determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Bassett, Bevitt, Davis, Finch, Fulkerson, Jackson of Howard, James, Jones of Newton, Marmaduke, Massey, McHenry, Pannell, Pipkin, Simonds, Slack, and Tong—16.

NOES—Messrs. Alexander, Anderson, Applegate, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Coalter, Farquhar, Forshey, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Randolph, Jones of Franklin, Kincheloe, Leslie, Mitchell, Morrow, Neaves, Nickel, Polk, Porter, Shields, Simpson, Stewart, Stone, Thomas, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—44.

Absent—Messrs. Jones of Scotland, and Pitt.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

The question was now on agreeing to Article VIII, as amended
When,

Mr. James moved to amend the same, by adding the following sections, to wit:

Section 4. It shall be the duty of the General Assembly, at its first session after the ratification of this Constitution, to withdraw the Common School and Seminary Funds from the Bank of Missouri and its branches, and place the same in the treasury of this State, for the purposes for which it was originally intended.

Section 5. It shall be the duty of the General Assembly, at its first session after the ratification of this Constitution, to make an entire separation of the money belonging to the people of this State, from banks and corporations, and to place the same in the vaults of the treasury of this State.

This amendment was read once;
And objections being made,
The question was, "shall this amendment be rejected?"
This question was divided,
And put *first* on the rejection of section 4;
And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Branstetter, Broadhead, Brooking, Campbell, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Hickman, Horine, Hyatt, Kincheloe, Leslie, Massey, Mitchell, Polk, Porter, Simpson, Stewart, Thomas, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—31.

NOES—Messrs. Bassett, Bevitt, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Griffin, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Marmaduke, McHenry, Morrow, Neaves, Nickel, Pannell, Pipkin, Shields, Simonds, Slack, and Stone—28.

Absent—Messrs. Jones of Scotland, Pitt, and Tong.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock.

The question was put, *secondly*, on the rejection of section 5;
And it was also determined in the affirmative.
So the said amendment was rejected.

Mr. Applegate then moved to amend said Article, by adding thereto the following additional section, to wit:

"Section 4. The State of Missouri shall have power to sell and alienate all, or any part of her stock in the Bank of the State of Missouri."

Which amendment was read twice; when,

Mr. Jones of Newton moved to amend the same, by striking out all thereof and inserting the following, to wit:

“Section 4. It shall be the duty of the General Assembly, at the first session thereof after the ratification of this Constitution, to cause a sufficient quantity of the stock which the State holds in the Bank of the State of Missouri, to be sold, in order to make up the amount of the Common School Fund, and Seminary Fund, now invested as stock in said bank: and that the said funds, when so made up, shall be placed in the State treasury, there to remain subject to be applied to the purposes for which they were intended.”

A motion was now made by Mr. Wells “that the amendment and the amendment to the amendment do lie on the table.”

Pending the consideration of which,

The Convention adjourned until half-past 2 o'clock, P. M.

EVENING SESSION.

The question, being on the motion of Mr. Wells, “that the amendment, and the amendment to the amendment, do lie on the table;”

Was divided;

And, after debate, and under the operation of the previous question,

The main question was put, *first*, “shall the amendment to the amendment lie on the table?”

And it was determined in the affirmative, by ayes and noes, as follows :

AYES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Campbell, Coalter, Davis, Farquhar, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—52.

NOES—Messrs. Bunch, Finch, James, and Jones of Newton—4.

Absent—Messrs. Horine, Jones of Scotland, Marmaduke, and Pitt.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Buford, and Neaves.

The main question was then put, *secondly*, “shall the amendment lie on the table?”

And it was determined in the negative.

Mr. James then moved to amend the amendment, by striking out all thereof and inserting the following, to wit:

“The power to collect all debts due or to become due to the Bank of the State of Missouri or its branches, whether contracted prior or subsequent to the ratification of this Constitution, is hereby vested in the State of Missouri.

Provided, That when the State shall have collected, from the debts due the said bank and branches, the amount of the Common School and Seminary Funds, the power hereby vested in the State shall revert to and be re-invested in the said bank.”

Mr. Hunter moved “that the amendment do lie on the table.”

And, under the operation of the previous question,

The main question was then put, to wit: “Shall the amendment to the amendment lie on the table?”

And it was determined in the affirmative.

Mr. Leslie now moved to amend the amendment, by striking out all thereof and inserting the following, to wit:

“The Legislature shall have power by law to provide for the sale and final disposition of all or any part of the stock owned by the State in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established: and if a part, only, of said stock shall be disposed of, then the number of Directors, on the part of the State, shall be diminished in proportion to the amount of stock sold; and whenever the whole stock of the State shall have been disposed of, all right, on the part of the State, to a directory in said bank, shall cease; but the charter, for the benefit of the private stockholders, shall not be thereby affected or destroyed.”

Under the operation of the previous question,

The main question was then put, to wit: “Shall the amendment to the amendment be agreed to?”

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Bassett, Bevitt, Broadhead, Brooking, Coalter, Davis, Fulkerson, Green, Griffin, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Marmaduke, McHenry, Morrow, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Young, and Mr. President—36.

NOES—Messrs. Alexander, Anderson, Applegate, Branstetter, Brown, Bunch, Campbell, Farquhar, Forshey, Foster, Gentry, Gibbony, Hickman, Hyatt, Massey, Mitchell, Simpson, Stewart, Wells, and Wright—20.

Absent—Messrs. Finch, Horiné, Jones of Scotland, and Pitt.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Buford, and Neaves.

Mr Wells moved to amend the amendment, as amended, by adding thereto the following words, to wit:

“Provided, the private stockholders shall assent thereto.”

And, on the question “shall the amendment to the amendment, as amended, be agreed to?”

It was determined in the negative.

And, consequently,

No other amendments being offered,

The substitute moved by Mr. Leslie, stands as section 4 of Article VIII.

Mr. Marmaduke now moved to amend said Article, by adding the following, as a fifth section, to wit:

Section 5. The Legislature of this State shall, by law, prohibit the circulation of all bank paper within the limits of this State, from and after six months after the adjournment of the first session of the Legislature that may be held after the expiration of the charter of the Bank of the State of Missouri.”

Under the operation of the previous question,

The main question was put, to wit: “Shall the amendment be agreed to?”

And it as determined in the negative, by ayes and noes, as follows:

AYES—Messrs. Finch, Fulkerson, Jones of Newton, Marmaduke, Morrow, Pannell, and Slack—7.

NOES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Bunch, Campbell, Coalter, Davis, Farquhar, Forshey, Foster, Gentry, Gibbony, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Kincheloe, Leslie, Massey, McHenry, Mitchell, Nickel, Pipkin, Polk, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—49.

Absent—Messrs. Horine, Jones of Scotland, and Pitt.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Excused from voting—Mr. Porter.

Sick—Messrs. Acock, Buford, and Neaves.

Article VIII, as amended, was then ordered to be engrossed for a third reading;

And seventy-five copies thereof were ordered to be printed for the use of the members of the Convention.

On motion of Mr. Polk,

Article IV, being engrossed, was taken up for a third reading.

On motion,

Ordered, that said article be read and considered, section by section.

Sections 1 and 2 were then read.

Mr. Campbell moved to amend, by way of ryder, as follows:

After the words "United States," in the second line of section 2, insert the words following, to wit:

"Shall be a natural born citizen of the United States, or an inhabitant of that part of Louisiana now included in the State of Missouri, at the time of the cession thereof to the United States."

Which was read;

And, objections being made,

The question was put, under the operation of the previous question, "shall the ryder be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Brown, Bunch, Coalter, Farquhar, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, and Mr. President—44.

NOES—Messrs. Anderson, Broadhead, Campbell, Forshey, Foster, Gentry, Gibbony, Hickman, Hunter, Hyatt, Stone, Wright, and Young—13.

Absent—Messrs. Brooking, Davis, and Pitt.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Buford, and Neaves.

Mr. Bassett then moved to amend, by way of ryder, as follows, to wit:

Strike out section 2, and insert the following, to wit:

"Section 2. The governor shall be at least thirty-five years of age, and a citizen of the United States, and a resident of the State of Missouri at least five years next preceding his election."

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Brown, Bunch, Campbell, Coalter, Farquhar,

Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Randolph, James, Jones of Newton, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Polk, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wells, Wright, and Mr. President—49.

NOES—Messrs. Bassett, Jackson of Howard, Jones of Franklin, Stone, Wilcoxson, and Young—6.

Absent—Messrs. Davis, Jones of Scotland, Pitt, Porter, and Stewart.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Buford, and Neaves.

Mr. Alexander now moved to amend, by way of ryder, as follows:

After the word "thirty," in the first line of section 2, insert the word "five."

Which was read, and,

Objections being made,

The question was put, "shall the ryder be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Applegate, Bevitt, Branstetter, Brown, Bunch, Coalter, Farquhar, Finch, Fulkerson, Green, Hunt, Jackson of Howard, Jones of Franklin, Jones of Newton, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Shields, Simonds, Slack, Tong, Ward, Wells, and Mr. President—30.

NOES—Messrs. Alexander, Anderson, Bassett, Broadhead, Brook-
ing, Campbell, Forshey, Foster, Gentry, Gibbony, Griffin, Hickman, Horine, Hunter, Hyatt, Jackson of Randolph, James, Kincheloe, Polk, Simpson, Stone, Thomas, Wilcoxson, Wright, and Young—25.

Absent—Messrs. Davis, Jones of Scotland, Pitt, Porter, and Stewart.

Absent on leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Buford, and Neaves.

Sections 3 and 4 were then read.

Mr. Hunt moved to amend, by ryder, as follows, to wit:

"Strike out section 4."

Which was read;

And, objections being made,

The question was put, "shall the ryder be rejected?"

And it was determined in the affirmative.

Sections 5, 6, 7, 8, 9, and 10 were then read.

Mr. Campbell moved to amend, by ryder, as follows to wit:

Strike out the word "ten," in the eighteenth line of section 10, and insert in lieu thereof the word four."

Which was read,

And being objected to,

The question was put, "shall the ryder be rejected?"

And it was determined in the negative.

The ryder was then read a second time.

Mr. Green objected to its being ordered to a third reading; when,

The question was put, "shall the ryder be read a third time?"

And it was determined in the affirmative.

The said ryder was then read a third time.

Sections 11 and 12 were then read.

Mr. Jones of Franklin moved to amend, by ryder, as follows, to wit:

Strike out section 12, and insert the following words, to wit:

"Section 12. There shall be an Auditor of Public Accounts, who shall be elected by the qualified electors of the State. He shall continue in office for four years, and shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government."

Which was read,

And was objected to;

And, under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And it was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Branstetter, Broadhead, Brooking, Brown, Campbell, Coalter, Farquhar, Forshey, Foster, Green, Hickman, Horine, Hunter, Hyatt, Jackson of Randolph, Kincheloe, Leslie, Mitchell, Morrow, Pipkin, Polk, Simpson, Stone, Thomas, Tong, Ward, Wilcoxson, Wright, Young, and Mr. President—32.

NOES—Messrs. Anderson, Bassett, Bevitt, Bunch, Finch, Fulkerson, Gentry, Gibbon, Griffin, Hunt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Nickel, Pannell, Shields, Simonds, Slack, and Wells—23.

Absent—Messrs. Davis, Jones of Scotland, Pitt, Porter, and Stewart.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Buford, and Neaves.

A motion was then made by Mr. Jackson of Randolph, "that the Convention do adjourn."

And the question was put,

And was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Applegate, Bassett, Branstetter, Broadhead, Brown, Bunch, Gentry, Green, Griffin, Horine, Hunt, Jackson of Randolph, Leslie, Pipkin, Simonds, Thomas, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—23.

NOES—Messrs. Anderson, Bevitt, Brooking, Campbell, Coalter, Finch, Forshey, Foster, Fulkerson, Gibbony, Hickman, Hunter, Hyatt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Polk, Shields, Simpson, Slack, Stone, and Tong—31.

Absent—Messrs. Davis, Farquhar, Jones of Scotland, Pitt, Porter, and Stewart.

Absent, on leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Buford, and Neaves.

Mr. Applegate then moved "that the Convention take a recess for one hour."

And the question being put,

Was determined in the negative.

A motion was now made by Mr. Young "that the Convention do adjourn."

And the question was put,

And was determined in the affirmative, by ayes and noes, as follows:

AYES—Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Bunch, Fulkerson, Gentry, Green, Horine, Hunt, Hyatt, Jackson of Randolph, Leslie, Mitchell, Morrow, Pannell, Pipkin, Simonds, Stone, Thomas, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President—31.

NOES—Messrs. Campbell, Coalter, Finch, Forshey, Foster, Gibbony, Griffin, Hickman, Hunter, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Nickel, Polk, Shields, Simpson, Slack, and Tong—23.

Absent—Messrs. Farquhar, Jones of Scotland, Pitt, Porter, and Stewart.

Absent, on leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Messrs. Acock, Buford, Davis, and Neaves.

So the Convention adjourned.

THURSDAY MORNING, JANUARY 1, 1846.

On motion of Mr. Bevitt,

Ordered, That the reading of the Journal be dispensed with.

Messrs. Stone and Young, by leave, changed their votes on the question, of yesterday, on the rejection of the ryder moved by Mr. Bassett to Article IV, section 2, and recorded their votes, respectively, in the affirmative.

Mr. Thomas moved the following resolution, to wit:

Resolved, That the ayes and noes shall not be entered on the journal unless so specified in the call."

Which,

On motion of Mr. Jackson of Howard,

Was ordered to lie on the table.

On motion of Mr. Anderson,

Resolved, That it shall be the duty of the Secretary to enter upon the journal the names of the members demanding and seconding the ayes and noes on any question.

Mr. Hunt, from the committee on Judicial Power, submitted a report recommending the adoption of a proposition entitled Article V.

The report was received,

And the proposition was read a first time; and is in the words following, to wit:

ARTICLE V.

Of Judicial Powers.

§ 1 The Judicial Power, as to matters of law and equity, shall be vested in a supreme court, circuit court, county courts, justices of the peace, and such other tribunals, inferior to the circuit courts, as the General Assembly may, from time to time, ordain and establish.

§ 2. The supreme court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

§ 3. The supreme court shall have a general superintending control over all inferior courts. It shall have power to issue writs of habeas corpus, mandamas, quo warranto, certiorari, and other original remedial writs, and to hear and determine the same.

§ 4. The supreme court shall consist of three judges, any two of whom shall be a quorum. It shall hold two sessions annually at the seat of government, until otherwise directed by law.

§ 5. The Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint, the judges of the supreme court; at the first appointment, he shall appoint one judge for the term of four years, one for eight years, and the other for twelve years; and at every

subsequent appointment, each judge shall be appointed for the term of twelve years; and every appointment to fill a vacancy, shall be for the residue of the term only; but in all cases the judges shall hold over till a successor is appointed and qualified.

§ 6. The judges of the supreme court shall be conservators of the peace throughout the State; they shall receive, at stated times, an adequate compensation for their services, to be fixed by law, which shall never be less than ——— hundred dollars, and shall not be diminished during the term for which they shall have been appointed.

§ 7. The judges of the supreme court, or any two of them, shall appoint the clerk of said court, who shall hold his office for the term of six years, and until his successor is appointed and qualified.

§ 8. No judge shall be elected or appointed to any office of honor, profit or trust, under the government of this State, during the term for which he shall have been elected or appointed, except that a judge of the circuit court may be appointed to the supreme court. If any judge shall offer or consent to be a candidate for any office under the government of the United States, such offer or consent shall be taken and considered a voluntary resignation of his office.

§ 9. The State shall be divided into ten compact and convenient circuits, which number of circuits shall not be increased within ten years after the adoption of this Constitution.

§ 10. No circuit shall be altered or changed at any session of the General Assembly next preceding the regular election for judge of such circuit, nor shall such change occur oftener than once in six years.

§ 11. For each circuit there shall be a judge, chosen by the qualified electors therein, who shall hold his office for the term of six years, and until his successor shall be elected and qualified. He shall receive, at stated times, an adequate compensation for his services, to be fixed by law, which shall never be less than fourteen hundred dollars, and shall not be diminished during the term for which he shall have been elected. After his election, he shall reside and be a conservator of the peace in said circuit.

§ 12. If there be a vacancy in the office of the judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court in any county of his circuit, such term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit.

§ 13. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law, and exclusive original jurisdiction over all civil cases in law and equity not cognizable before county courts or justices of the peace, until otherwise directed by law; it shall hold its terms in such place, in each county, and at such times, as the General Assembly shall by law direct.

§ 14. The circuit court shall exercise a superintending control over all inferior courts, and entertain appeals therefrom, in such cases and in such manner as shall be prescribed by law.

§ 15. The circuit court, as a court of chancery, shall have power to grant divorces, to make such provisions for the aggrieved party, and the

custody, support and education of minor children, as shall be just and equitable.

§ 16. The supreme court and circuit shall exercise chancery jurisdiction, in such manner and under such restrictions as shall be prescribed by law.

§ 17. No person shall be appointed judge of the supreme court or elected judge of the circuit court, unless he shall be a citizen of the United States, shall be at least thirty years old, and shall have resided five years in this State.

§ 18. The clerks of the circuit and county courts shall be chosen by the qualified electors of the county, and shall hold their office for the term of six years, and until their successors shall be elected and qualified; and for any misdemeanor in office, they shall be liable to be tried and removed in such manner as the General Assembly shall provide by law.

§ 19. There shall be, in each county, a county court, with power to transact county business and to perform all such duties as may be prescribed by law.

§ 20. There shall be in each township of every county, chosen by the qualified electors thereof, as many justices of the peace as the public good may require; their powers, duties, compensation, liabilities, and tenures of office shall be regulated by law.

§ 21. There shall be a day appointed by law for the election of judicial officers and clerks, distinct from the day of any other election in the State.

§ 22. The Governor, by and with the advice and consent of the Senate, shall appoint an Attorney General, who shall hold his office for the term of four years and until his successor shall be appointed and qualified; he shall receive, at stated times, such compensation as shall be allowed him, and shall perform such duties as shall be required by law.

§ 23. The proceedings of all courts and all tribunals shall be conducted and their records kept in the English language; all writs and process shall run, and all prosecutions shall be conducted in the name of the State of Missouri; all writs shall be tested by the clerk of the court from which they issue, and all indictments shall conclude against the peace and dignity of the State.

§ 24. Any judge of the supreme court or circuit court may be removed from office on the address of two-thirds of each house of the General Assembly to the Governor for that purpose; but each house shall state on its journals the cause for which it may desire the removal of such judge, and give him notice thereof, and he shall have the right to be heard in his defence in such manner as the General Assembly shall direct; but no judge shall be removed for any cause for which he might have been impeached.

The rule was now suspended, and the proposition was read a second time by its title.

A motion was then made by Mr. Jackson of Howard "that said proposition be considered as engrossed, and ordered to a third reading."

And, under the operation of the previous question,
The question was put,
And was determined in the affirmative.

Whereupon,

On motion of Mr. Marmaduke,

Ordered, That seventy-five copies of said proposition be printed for the use of the members.

The Convention then resumed the consideration of the engrossed Article numbered IV;

Whereupon,

Section 13 was read.

Mr. Bunch moved to amend, by ryder, as follows:

After the word "shall," in the first line of section 13, insert the following, to wit:

"Receive fifteen hundred dollars per annum until otherwise directed by law; which shall neither be increased nor diminished after his election and during his continuance in office."

Which was read, and objected to.

The previous question was demanded, and, under its operation,

The question was put, "shall the ryder be rejected?"

And it passed in the affirmative.

Mr. McHenry then moved to amend, by ryder, as follows:

Add to section 13 the following words, to wit:

"And shall never exceed two thousand dollars."

Which was read and objected to.

And the question was put, "shall the ryder be rejected?"

And passed in the negative.

The ryder was then read a second time; and,

On motion of Mr. Marmaduke,

Was rejected.

Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, were then successively read.

Article IV, having thus been read a third time,

The question was put, "shall the said Article, as amended, be adopted?"

And it was determined in the affirmative.

On motion of Mr. Shields,

The engrossed Article numbered IX, was then taken up, and read a third time.

Mr. Ward moved to amend, by ryder, as follows:

Strike out the whole Article and insert the following, to wit:

ARTICLE IX.

Of the Militia.

§ 1. The Legislature shall provide by law for organizing the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

§ 2. The Legislature shall provide for the efficient discipline of the officers, commissioned and non-commissioned, and musicians, and may provide by law for the organization and discipline of volunteer companies.

§ 3. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor.

§ 4. General and field officers shall appoint their officers of the staff.

§ 5. The Governor shall appoint an Adjutant General, and all other militia officers whose appointments are not otherwise provided for in this Constitution.

§ 6. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

Which was read twice; when,

Mr. McHenry moved the following substitute, to wit:

“§ 1. Field officers and company officers shall be elected by the persons subject to militia duty, within their respective commands. Brigadiers General shall be elected by the persons subject to militia duty, within their respective brigades; and Majors General shall be elected by the persons subject to militia duty within their respective divisions, until otherwise directed by law.

§ 2. General and field officers shall appoint their officers of the staff.

§ 3. The Governor shall appoint an Adjutant General, and all other militia officers whose appointments are not otherwise provided for in this Constitution.”

Mr. Massey moved “that said ryder and substitute do lie on the table.”

And the question being put,

Passed in the affirmative.

No other amendments being offered,

The question was then put, “shall the said article IX be adopted?”

And it passed in the affirmative.

On motion of Mr. Shields,

The engrossed Article numbered XIII, was taken up for a third reading.

Sections 1, 2, 3, 4, and 5 were read.

Mr. Jones of Newton, moved to amend by ryder, as follows:

Strike out all after the word “liberty” in section 5, and including the word “provided” to the end of the first proviso.

Which was read,

And objected to.

And, under the operation of the previous question,

The question was put, “shall the ryder be rejected?”

And passed in the affirmative, ayes 37, noes 21.

The ayes and noes being demanded by two members, to wit: Messrs. Jones of Newton and Foster,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Bunch, Coalter, Davis, Forshey, Gentry, Green, Hickman, Horine, Hunt, Hyatt, Jones of Franklin, Jones of Scotland, Leslie, Marmaduke, McHenry, Mitchell, Neaves, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells and Wilcoxson.

Those who voted in the negative, are,

Messrs. Alexander, Bassett, Buford, Campbell, Farquhar, Finch, Foster, Fulkerson, Gibbony, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, Massey, Morrow, Nickel, Pannell, Wright, and Mr. President.

Absent—Messrs. Brown, Griffin, Pitt, and Young.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Mr. Campbell now moved to amend by ryder, as follows, to wit:

“After the word “whatever” in the fifth section, insert the words following, to wit: but no congregation, for such purposes, shall own more than one acre of land in a town, nor more than ten acres in the country.”

Which was read,

And being objected to,

The question was put “Shall the ryder be rejected?”

And passed in the negative.

The said ryder was then read a second and third time, and adopted.

Sections 6, 7, 8 and 9 were then read.

Mr. Polk moved to amend by ryder, as follows, to wit:

“Strike out the word “vicinage” in section 9, and insert the word “county.”

Which was read thrice,

And adopted.

Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 were then read.

Mr. Jones of Newton, moved to amend by ryder, as follows:

“Strike out section 19, and insert the following, to wit:

Section 19. That all property subject to taxation in this State, shall be taxed in proportion to its value; and all capital invested in trade and commerce, shall be taxed in proportion to its amount, and at the same rate that property is taxed for the time being.”

Which was read,

And objected to.

The question was put “Shall the ryder be rejected?”

And passed in the negative.

The ryder was then read a second time;

Whereupon,

Mr. Wells moved to amend the same, by adding the words "and not otherwise."

And under the operation of the previous question,

The question was put, "Shall the amendment be agreed to?"

And passed in the negative.

The question recurred, "Shall the ryder be read a third time?"

And it was put,

And passed in the affirmative, ayes 34, noes 23.

The ayes and noes being demanded by two members, to wit: Messrs. Stone and Tong,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bevitt, Branstetter, Broadhead, Brown, Buford, Bunch, Campbell, Coalter, Davis, Farquhar, Foster, Gibbony, Horine, Hunt, Hyatt, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Morrow, Pannell, Polk, Porter, Shields, Simpson, Tong, Ward, Wells, Wilcoxson, and Wright.

Those who voted in the negative, are,

Messrs. Anderson, Bassett, Brooking, Finch, Fulkerson, Gentry, Green, Griffin, Hickman, Hunter, Jackson of Howard, Jackson of Randolph, Leslie, Marmaduke, McHenry, Mitchell, Neaves, Nickel, Pipkin, Simonds, Stone, Young and Mr. President.

Absent—Messrs. Forshey, Pitt, Slack, Stewart, and Thomas.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

The ryder was then read a third time.

And on the question "Shall the ryder be adopted?"

It passed in the negative, ayes 25, noes 33.

The ayes and noes being demanded by Messrs. Hunter and Simonds,

Those who voted in the affirmative, are,

Messrs. Alexander, Bevitt, Broadhead, Brown, Buford, Bunch, Campbell, Coalter, Davis, Foster, Gibbony, Hunt, Hyatt, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Pannell, Polk, Porter, Stewart Ward, Wells and Wright.

Those who voted in the negative, are,

Messrs. Anderson, Applegate, Branstetter, Brooking, Finch, Fulkerson, Gentry, Green, Griffin, Hickman, Horine, Hunter, Jackson of Howard, Jackson of Randolph, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pipkin, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Wilcoxson, Young, and Mr. President.

Absent—Messrs. Bassett, Farquhar, and Pitt.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Messrs. Acock and Forshey.

Mr. James now moved to amend by ryder, as follows:

Add to section 19 the following words, to wit:

“And the General Assembly shall have no power to grant a license to pursue any lawful trade, profession, business, or calling, nor to impose any unequal taxation thereon.”

Which was read,

And objected to.

And, under the operation of the previous question,

The question was put, “Shall the ryder be rejected?”

And passed in the affirmative, ayes 31, noes 28.

The ayes and noes being demanded by Messrs. Leslie and James,
Those who voted in the affirmative, are,

Messrs. Anderson, Branstetter, Broadhead, Brooking, Brown, Buford, Finch, Fulkerson, Gentry, Green, Hickman, Horine, Hunter, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Pipkin, Polk, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Young and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Bevitt, Bunch, Campbell, Coalter, Davis, Farquhar, Foster, Gibbony, Griffin, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Morrow, Pannell, Porter, Shields, Stewart, Wells, and Wright.

Absent—Messrs. Bassett and Pitt.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Messrs. Acock, and Forshey.

A motion was now made by Mr. Polk, that the Convention do reconsider the last preceding vote.

And the question being put,

Passed in the negative.

Mr. Jones of Newton then moved to amend by ryder, as follows:

Add at the end of Section 19, the following, to wit:

“And the State shall not become the vendor of privileges, nor sell licenses to persons to engage in any lawful branch of trade, commerce, or business whatsoever.”

Which was read,

And objected to.

And, under the operation of the previous question,

The question was put, “Shall the ryder be rejected?”

And passed in the affirmative, ayes 32, noes 27.

The ayes and noes being demanded by Messrs. Jones of Newton and Alexander,

Those who voted in the affirmative, are,

Messrs. Anderson, Branstetter, Broadhead, Brooking, Brown, Finch, Fulkerson, Gentry, Green, Griffin, Hickman, Horine, Hunter, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pipkin, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wilcoxson, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Bevitt, Buford, Bunch, Campbell, Coalter, Davis, Farquhar, Foster, Gibbony, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Pannell, Polk, Porter, Shields, Wells, and Wright.

Absent—Messrs. Bassett and Pitt.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Messrs. Acock and Forshey.

Mr. Coalter now moved that the Convention pass to Section 20.

Which was agreed to.

Sections 20, 21, 22, and 23, were then successively read.

And Article XIII having now been read a third time,

The question was on the adoption of the same, as amended;

And, under the operation of the previous question,

It was put,

And passed in the affirmative.

On motion of Mr. Shields,

The engrossed Article numbered I, was then taken up for a third reading.

Section 1 was read.

Mr. Horine moved to amend by ryder as follows:

Add as an additional section, the following, to wit:

“Section 2. The General Assembly shall have power to appoint commissioners to act in conjunction with commissioners from any other State, to adjust the Eastern boundary of the State, and to determine what Islands in the Mississippi river are within the limits of the State of Missouri.”

Which was read three times and adopted.

Section 2 was then read.

Whereupon,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Campbell moved to amend by ryder, as follows:

Add to Article I, as a fourth section the following, to wit:

“Section 4. All that territory of the State of Missouri, which is bounded on the east by the middle of the main channel of the Mississippi river, on the north by the line that separates townships forty-four and forty-five, on the west by a meridian line running through the middle of range six east, and on the south by the line that separates townships forty-three and forty-four north, is hereby ceded to the Government of the United States, for the purpose of locating and keeping thereon the Seat of Government of the United States, in conformity to the sixteenth clause of the eighth section of the first Article of the Constitution of the United States. This section shall not take effect until the Congress of the United States shall have assented to the same, and provided for the removal of the Seat of Government of the United States to the district hereby ceded to the United States.”

Which was read,

And objected to.

And the question was put. “Shall the rider be rejected?”

And passed in the negative, ayes 15, noes 36.

The ayes and noes being demanded by Messrs. Campbell and Foster, Those who voted in the affirmative, are,

Messrs. Alexander, Farquhar, Griffin, Jackson of Howard, Jones of Franklin, Mitchell, Morrow, Pannell, Pipkin, Porter, Shields, Simpson, Slack, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brook-
ing, Brown, Buford, Bunch, Campbell, Davis, Finch, Forshey, Foster,
Fulkerson, Gentry, Gibbony, Hickman, Horine, Hunt, Hunter, Hyatt,
Jackson of Randolph, James, Jones of Newton, Kincheloe, Marmaduke,
Massey, McHenry, Neaves, Nickel, Stewart, Thomas, Tong,
Ward, and Wells.

Absent—Messrs. Bassett, Coalter, Green, Jones of Scotland, Leslie, Pitt, Polk, Stone, Wright, and Young.

Absent with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Messrs. Acock, Simonds and Wright.

The ryder was then read a second and a third time and adopted.

The question was then put, “Shall Article I, as amended, be adopted?”

And it passed in the affirmative.

A motion was now made by Mr. Shields, that the engrossed Article, numbered III, be now taken up for a third reading.

And the question was put,

And passed in the affirmative.

A motion was then made by Mr. Broadhead, that the Convention do reconsider the last preceding vote.

And the question was put,

And passed in the negative.

Mr. Wells then moved that the said Article do lie on the table.

And the question was put,

And passed in the negative.

Section 1 of the said Article was then read; when

Mr. Gentry moved a call of the Convention.

And on the question "Shall there be a call?"

It passed in the negative.

A motion was now made by Mr. Polk, that Section 2 be passed over, and that Section 3 be now read.

And the question was put,

And passed in the negative.

Section 2 was then read.

Mr. Wells moved to amend by ryder, as follows:

Strike out the words "three-fifths" and "two-thirds," wherever they occur in Section 2, and insert in the places thereof the words "three-fourths."

Which was read, and objected to.

The previous question was moved by Mr. Jones of Newton.

And on the question "Shall the main question be now put?"

It passed in the affirmative, ayes 39, noes 18.

The ayes and noes being demanded by Messrs. Wells and Gentry,

Those who voted in the affirmative, are:

Messrs. Alexander, Applegate, Bevitt, Branstetter, Brooking, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbons, Griffin, Hickman, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Slack, Thomas, Tong, Ward, and Wilcoxson.

Those who voted in the negative, are,

Messrs. Anderson, Broadhead, Campbell, Forshey, Foster, Gentry, Horine, Hunt, Hyatt, Leslie, Pipkin, Polk, Simpson, Stewart, Stone, Wells, Young and Mr. President.

Absent—Messrs. Bassett, Coalter, Green, Pitt and Wright.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

Mr. Wells now moved a call of the Convention.

And the question was put, "Shall there be a call?"

And passed in the negative, ayes 29, noes 29.

The ayes and noes being demanded by Messrs Wells and Gentry,
Those who voted in the affirmative, are,

Messrs. Alexânder, Anderson, Applegate, Bevitt, Broadhead, Brook-
ing, Campbell, Davis, Forshey, Foster, Gentry, Hickman, Horine,
Hunt, Hyatt, Jones of Franklin, Leslie, Marmaduke, Morrow, Pipkin,
Polk, Simonds, Simpson, Stewart, Stone, Thomas, Wells, Young, and
Mr. President.

Those who voted in the negative, are,

Messrs. Branstetter, Brown, Buford, Bunch, Farquhar, Finch, Ful-
kerson, Gibbony, Green, Griffin, Hunter, Jackson of Howard, Jackson
of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe,
Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Porter, Shields,
Slack, Tong, Ward, and Wilcoxson.

Absent—Messrs. Bassett, Coalter, and Pitt.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Messrs. Acock and Wright.

The question now recurred on the rejection of the ryder moved by
Mr. Wells;

And, being put,

It passed in the affirmative, ayes 42, noes 19.

The ayes and noes being demanded by Messrs. Jackson of Howard
and James,

Those who voted in the affirmative, are,

Messrs. Alexander, Bassett, Branstetter, Broadhead, Brown, Buford,
Bunch, Campbell, Finch, Fulkerson, Gibbony, Green, Griffin, Hunter,
Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of
Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke,
Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin,
Porter, Shields, Simonds, Slack, Stone, Thomas, Tong, Ward, Wilcox-
son, Wright, and Mr. President.

Those voting in the negative, are,

Messrs. Anderson, Applegate, Bevitt, Brooking, Coalter, Davis, Far-
quhar, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Leslie, Polk,
Simpson, Stewart, Wells, and Young.

Absent—Mr. Pitt.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Mr. Massey now moved the previous question.

And the question was put, "shall the previous question be ordered?"

And it passed in the negative, two-thirds not voting therefor, ayes 35, noes 25.

The ayes and noes being demanded by Messrs. Anderson and Gentry,
Those who voted in the affirmative, are,

Messrs. Applegate, Bassett, Bevitt, Branstetter, Brown, Buford, Bunch, Coalter, Davis, Finch, Fulkerson, Gibbony, Green, Griffin, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, Slack, Stewart, Thomas, Ward, and Wilcoxson.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Broadhead, Brooking, Campbell, Farquhar, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Leslie, Marmaduke, Pipkin, Polk, Shields, Simpson, Stone, Wells, Wright, Young and Mr. President.

Absent—Messrs. Pitt and Tong.

Absent, with leave---Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

Mr. Anderson then moved to amend by ryder, as follows:

Strike out section 2, and insert the following, to wit:

Section 2. The House of Representatives shall consist of one hundred members, to be chosen every second year by the qualified electors of the several counties. And the General Assembly shall at the first session after the adoption of this Constitution, and every four years thereafter, apportion representation among the counties, so as to give, as near as possible, to each white inhabitant, in the State, an equal voice in its legislation.

Which was read, and objected to.

The question was then put, "Shall the ryder be rejected?"

And it passed in the affirmative, ayes 48, noes. 13.

The ayes and noes being demanded by Messrs. Anderson and Gentry,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Davis, Finch, Fulkerson, Gibbony, Green, Griffin, Hunter, Hyatt, Jackson of Howard,

Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Wright, and Mr. President.

Those voting in the negative are.

Messrs. Anderson, Coalter, Farquhar, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Leslie, Stewart, Wells and Young.

Absent—Mr. Pitt.

Absent, with leave—Messrs. Cannon, Ewing and Woodson.

Sick—Mr. Acock.

Mr. Coalter now moved to amend by ryder, as follows:

Strike out all after the first sentence of Section 2, after the words "to wit," and insert in lieu thereof the following, to wit:

"The ratio of representation shall be ascertained at each apportioning session of the Legislature, by dividing the whole number of white inhabitants of the State by the number one hundred."

Which was read twice; when,

Mr. Slack objecting thereto,

The question was put, "Shall the ryder be read a third time?"

And passed in the affirmative.

The said ryder was then read a third time and adopted.

A motion was then made by Mr. Polk, that the Convention do now adjourn.

And the question was put,

And passed in the negative:

Mr. Forshey now moved to amend by ryder, as follows:

Add to the end of section 2, the following words, to wit:

"And provided also, that no new county hereafter organized, shall be entitled to a separate representation until such county shall contain the full ratio."

Which was read, and objected to.

Whereupon,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative, ayes 49, noes 11.

The ayes and noes being demanded by Messrs. Forshey and Gentry,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Davis, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter,

Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Wright, and Mr. President.

Those voting in the negative, are,

Messrs. Anderson, Coalter, Farquhar, Forshey, Foster, Gentry, Hickman, Hunt, Leslie, Wells, and Young.

Absent—Messrs. Pitt and Stewart.

Absent, with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

Mr. Horine then moved to amend by ryder, as follows:

Add the following words at the end of Section 2, to wit:

“And provided further, that ten additional members over and above the number provided for in the preceding part of this section, may be elected by the qualified voters of any ten counties in the State, which counties have each a full ratio of representation and the largest fractions over said ratio, allowing each of said ten counties having the ten largest fractions, respectively, to elect each one member.”

Which was read, and objected to.

And the question being put “Shall the ryder be rejected?”

It passed in the affirmative, ayes 44, noes 16.

The ayes and noes being demanded by Messrs. Horine and Alexander,

Those who voted in the affirmative, are,

Messrs. Bassett, Branstetter, Broadhead, Brooking, Brown, Buford, Bunch, Finch, Forshey, Fulkerson, Gibbony, Green, Griffin, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Applegate, Bevitt, Campbell, Coalter, Davis, Farquhar, Foster, Gentry, Horine, Hunt, Leslie, Polk, Wells, and Young.

Absent—Messrs. Pitt and Stewart.

Absent with leave—Messrs. Cannon, Ewing, and Woodson.

Sick—Mr. Acock.

At this stage of the proceedings,

— The Convention adjourned.

FRIDAY MORNING, JANUARY 2.

On motion of Mr. Bevitt,

Ordered, That the reading of the journal be dispensed with.

The Convention resumed the consideration of the engrossed Article numbered III.

Section 2 was last read.

Mr. Jackson of Howard moved to pass on to section 3,

Which was agreed to.

Section 3 was then read.

Mr. James moved to amend, by ryder, as follows:

Strike out the words "and who shall not, moreover, have paid a State or county tax."

Which was read, and objected to.

The question was then put, "shall the ryder be rejected?"

And passed in the affirmative.

Mr. Bevitt now moved to amend, by ryder, as follows:

Add to the end of section 3 the words "within one year next preceding his election."

Which was read three times and adopted.

Section 4 was then read.

Mr. Forshey moved to amend, by ryder, as follows:

Strike out the word "permanent," in the second line of section 4.

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative.

Mr. Hunt moved to amend, by ryder, as follows:

Strike out the word "permanent," in section 4, and insert the word "free."

Which was read,

And objections being made,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative.

Mr. Woodson moved to amend, by ryder, as follows:

Insert between the word "permanent" and the word "white," in section 4, the word "free."

Which was read,

And objections being made,

The question was put, "shall the ryder be rejected?"

And passed in the negative.

The ryder was then read a second and third time,

And was adopted.

Sections 5 and 6 were then read.

Whereupon, by general consent,

The word "free" was inserted between the words "permanent" and "white," in section 6.

Sections 7, 8, 9, and 10, were then read.

Mr. Polk moved to amend, by ryder, as follows:

Insert the word "senatorial" between the words "or" and "district," in the third line of section 10.

Which was read twice; whereupon,

Mr. Massey objecting,

The question was put, "shall the ryder be read a third time?"

And passed in the negative.

Mr. Neaves moved to amend, by ryder, as follows:

Strike out the words "one year," in the 10th section, and insert the words "six months."

Which was read and objected to;

Whereupon,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative; ayes 44, noes 19.

The ayes and noes being demanded by Messrs. Neaves and James,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gentry, Gibbony, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Kincheloe, Leslie, Mitchell, Pannell, Pipkin, Polk, Porter, Simpson, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, and Mr. President.

Those who voted in the negative are,

Messrs. Bunch, Finch, Green, Griffin, Horine, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, Massey, McHenry, Morrow, Neaves, Nickel, Shields, Simonds, Slack, and Young.

Absent—Mr. Pitt.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Campbell moved to amend, by ryder, as follows:

Insert after the word "officers," in the fourth line of the 10th section, the words following, to wit:

"Where a city shall be districted, any person who is otherwise qualified and shall have resided in the district for one month, shall have a right to vote in such district."

Which was read, and objected to,

Whereupon,

The question was put, "shall the ryder be rejected?"

And passed in the negative.

The ryder was then read a second time; when,

Mr. Polk objected to the third reading thereof.

The question was then put, "shall the ryder be read a third time?" And passed in the affirmative; ayes 46, noes 13.

The ayes and noes being demanded by Messrs. Jackson of Howard and Polk,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bassett, Bevitt, Broadhead, Brooking, Brown, Buford, Campbell, Davis, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Griffin, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wells, Wilcoxson, Wright, Young and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Branstetter, Bunch, Farquhar, Green, Horine, Hunt, Leslie, Neaves, Nickel, Polk, Stewart, and Wilcoxson.

Absent—Messrs. Coalter, Marmaduke, Morrow, Pitt, and Stone.

Absent, with leave—Mr. Cannon.

Sick—Mr. Acock.

A motion was now made by Mr. Wright "that the vote, of to-day, refusing to order to a third reading the ryder moved by Mr. Polk to section 10, be reconsidered."

And the question was put,

And passed in the negative; ayes 18, noes 44.

The ayes and noes being demanded by Messrs. Polk and Leslie,

Those who voted in the affirmative are,

Messrs. Campbell, Coalter, Forshey, Foster, Horine, Hunt, Hyatt, Jones of Newton, Leslie, McHenry, Pipkin, Polk, Shields, Stewart, Thomas, Ward, Wells, and Wright.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Bunch, Davis, Ewing, Farquhar, Finch, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, Simpson, Slack, Stone, Tong, Wilcoxson, Woodson, Young and Mr. President.

Absent—Messrs. Buford, and Pitt.

Absent, on leave—Mr. Cannon.

Sick—Mr. Acock.

The ryder moved by Mr. Campbell, was then read a third time, and adopted.

Mr. Campbell again moved to amend, by ryder, as follows:

Add to the end of the 10th section, the following, to wit:

“And no person who has been convicted of any felonious or infamous crime in any foreign country or any State of this Union, or who has become a fugitive from justice from such country or State on account of the commission of such crime, shall be permitted to vote in this State. This disqualification shall not extend to any offence of a political nature, nor to any offence which would not be considered felonious or infamous in this State.”

Which was read three times and adopted.

Sections 11 and 12 were then read.

Mr. Marmaduke moved to amend, by ryder, as follows:

Strike out the words “his election or appointment,” in the third line of section 12, and insert in lieu thereof the following words, to wit:

“The time he shall enter upon the discharge of the duties of his office.”

Which was read three times;

And the question was put, “shall the ryder be adopted?”

And passed in the negative.

Section 13 was then read.

Mr. Pipkin moved to amend, by ryder, as follows:

Add to section 13 the following words, to wit:

“Nor shall he be elected or appointed to any office of profit within the State, the office of justice of the peace excepted.”

Which was read and objected to.

Whereupon,

The question was put, “shall the ryder be rejected?”

And passed in the affirmative; ayes 34, noes 25.

The ayes and noes being demanded by Messrs. Green and Hyatt,

Those who voted in the affirmative are,

Messrs. Applegate, Branstetter, Broadhead, Brown, Bunch, Ewing, Finch, Fulkerson, Green, Hunt, Hyatt, Jackson of Howard, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Shields, Simonds, Simpson, Stone, Tong, Wells, Woodson, Wright, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bevitt, Brooking, Buford, Campbell, Davis, Farquhar, Forshey, Foster, Gentry, Gibbony, Griffin, Hickman,

Hunter, Jackson of Randolph, James, Kincheloe, Massey, Pipkin, Slack, Thomas, Ward, Wilcoxson, and Young.

Absent—Messrs. Bassett, Coalter, Horine, Pitt, and Stewart.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Jackson of Howard moved to amend, by ryder, as follows:

Between the words "to" and "either," in the second line of the 13th section, insert the words following, to wit:

"The office of Governor, Lieutenant Governor, or."

And add at the end of said section the following, to wit:

"Nor the office of judge in any court of record."

Which was read and objected to.

Whereupon,

The question was put, "shall the ryder be rejected?"

And passed in the negative; ayes 19, noes 40.

The ayes and noes being demanded by Messrs. Jackson of Howard and Jones of Newton,

Those who voted in the affirmative are,

Messrs. Applegate, Broadhead, Bunch, Green, Hunt, Jones of Franklin, Jones of Scotland, Leslie, McHenry, Pannell, Polk, Porter, Simonds, Simpson, Stone, Tong, Wells, Woodson, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bevitt, Branstetter, Brooking, Brown, Buford, Campbell, Davis, Ewing, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Griffin, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Pipkin, Shields, Slack, Thomas, Ward, Wilcoxson, Wright, and Young.

Absent—Messrs. Bassett, Coalter, Horine, Pitt, and Stewart.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

At this stage of the proceedings,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

The ryder, moved this morning by Mr. Jackson of Howard, was read a second time; when,

Mr. Applegate objecting to the third reading thereof,

The question was put, "shall the ryder be read a third time?"

And passed in the affirmative.

The ryder was then read a third time.

The question was now on the adoption of the ryder,

And was divided,

And was put *first* on the adoption of so much of the ryder as is comprised in the following words, to wit:

Between the words "to" and "either," in the second line of the 13th section, insert the words following, to wit:

"The office of Governor, Lieutenant Governor, or."

And passed in the affirmative.

The question was put, *secondly*, "shall the remainder of said ryder be adopted?"

And passed in the affirmative; ayes 35, noes 22.

The ayes and noes being demanded by Messrs. McHenry and Applegate,

Those who voted in the affirmative are,

Messrs. Alexander, Bevitt, Branstetter, Brooking, Brown, Buford, Campbell, Davis, Ewing, Farquhar, Finch, Foster, Fulkerson, Gentry, Gibbony, Hickman, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, Marmaduke, Massey, Mitchell, Morrow, Neaves, Nickel, Pipkin, Slack, Stone, Thomas, Ward, Wilcoxson, and Wright.

Those who voted in the negative are,

Messrs. Anderson, Applegate, Broadhead, Bunch, Forshey, Green, Griffin, Hbrine, Hunt, Jones of Franklin, Jones of Scotland, Leslie, McHenry, Pannell, Polk, Porter, Shields, Simonds, Simpson, Tong, Woodson, and Mr. President.

Absent—Messrs. Bassett, Coalter, Hunter, Pitt, Stewart, Wells, and Young.

Absent, with leave—Mr. Cannon.

Sick—Mr. Acock.

And so the said ryder was adopted.

Mr. Simonds moved to amend, by ryder, as follows:

Strike out the whole of section 13.

Which was read and objected to.

Whereupon,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative.

Sections 14 and 15 were then read.

Mr. Anderson moved to amend, by ryder, as follows:

Strike out all of section 15 and insert the following, to wit:

"Section 15. Every person who shall, directly or indirectly, give or offer any bribe to procure his election or appointment to any office, or the election or appointment of any other person, shall, on conviction, be disqualified for an elector, and for any office of honor, profit or trust under this State."

Which was read three times, and adopted.

Sections 16 and 17 were now read.

Mr. Griffin moved to amend, by ryder, as follows:

Add to section 17, at the beginning thereof, the following words, to wit:

"The General Assembly shall have power to pass laws regulating proceedings in cases of contested elections of Senators and Representatives."

Which was read three times, and adopted.

Section 18 was read.

Mr. Campbell moved to amend, by ryder, as follows:

Strike out the word "two," in the last line of section 18, and insert in place thereof the word "five."

Which was read three times and adopted.

Sections 19, 20, 21, 22, 23, and 24 were read.

Mr. Pipkin moved to amend, by ryder, as follows:

Add the following proviso to section 24, to wit:

"*Provided*, That the Governor shall, at the termination of the sixty days, if in his opinion the business of the State demands it, immediately convene the General Assembly; and, in that case, the members shall not be entitled to mileage, and the session shall not continue longer than fifteen days."

Which was read, and objected to.

Whereupon,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative.

Mr. Hickman moved to amend by ryder, as follows:

Strike out the word "sixty" in section 24, and insert the word "forty."

Which was read, and rejected.

Mr. Forshey moved to amend by ryder, as follows:

Strike out the word "sixty" and insert the word "fifty."

Which was read, and objected to.

Whereupon,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative, ayes 38, noes 20.

The ayes and noes being demanded by Messrs. Wells and Forshey

Those who voted in the affirmative, are,

Messrs. Branstetter, Broadhead, Brooking, Brown, Buford, Campbell, Davis, Farquhar, Fulkerson, Gentry, Gibbony, Green, Griffin, Hunter, Hyatt, Jackson of Howard, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Neaves, Nickel, Pannell, Pipkin, Shields, Simonds, Simpson, Slack, Stewart, Tong, Ward, Wilcoxson, Woodson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Applegate, Bevitt, Bunch, Ewing, Forshey, Foster, Hickman, Horine, Hunt, Jackson of Randolph, James, Jones of Franklin, McHenry, Morrow, Polk, Porter, Stone, and Wells.

Absent—Messrs. Bassett, Coalter, Pitt, Thomas, and Young.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Finch.

Sections 25 and 26 were then read.

Mr. Stone moved to amend by ryder, as follows:

Strike out the word "prevent" in the fourth subdivision of the second part of section 26, and insert the word "permit."

And strike out all after the word "that" in the second line of said subdivision, and insert, in lieu thereof, the following, to wit:

"The slave so emancipated shall not become a public charge."

Which was read, and objected to.

Whereupon,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative.

Mr. Broadhead moved to amend by ryder, as follows:

Strike out the word "and" in the second line of the 26th section, and insert the word "or."

Which was read, and objected to.

And the question being put, "Shall the ryder be rejected?"

It passed in the affirmative.

Mr. Anderson moved to amend by ryder, as follows:

Strike out all after the word "alone" in the seventh line of the third clause of section 26.

Which was read, and objected to.

Whereupon,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative.

Mr. Campbell moved to amend by ryder, as follows:

Amend the third clause of the first subdivision of the 26th section, by inserting after the word "voters" in the sixth line, the words "voting on such question."

Which was read, and objected to.

Whereupon,

The question was put, "Shall the ryder be rejected?"

And passed in the negative.

The ryder was then read a second and third time,

And the question was put, "Shall the ryder be adopted?"

And passed in the affirmative, ayes 32, noes 27.

The ayes and noes being demanded by Messrs. Morrow and James,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Branstetter, Broadhead, Brooking, Brown, Bunch, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Marmaduke, McHenry, Pipkin, Polk, Shields, Simpson, Stewart, Stone, Thomas, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Bevitt, Buford, Davis, Farquhar, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, and Slack.

Absent—Messrs. Bassett, Leslie, Pitt, and Tong.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Finch.

Mr. Stone moved to amend by ryder, as follows:

Amend the third clause of the 29th section, by striking out from the seventh and eighth lines, the following words, to wit:

"That no more than one proposition shall be submitted by any one session of the General Assembly, and."

Which was read, and objected to.

Whereupon,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative, ayes 35, noes 25.

The ayes and noes being demanded by Messrs. Stone and Ward,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bevitt, Branstetter, Buford, Davis, Farquhar, Fulkerson, Gibbony, Green, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Simonds, Simpson, Slack, Stewart, Wells, and Mr. President.

Those who voted in the negative, are

Messrs. Anderson, Broadhead, Brooking, Brown, Bunch, Campbell, Ewing, Forshey, Foster, Gentry, Griffin, Hickman, Hunt, Hyatt, Marmaduke, McHenry, Polk, Shields, Stone, Thomas, Ward, Wilcoxson, Woodson, Wright, and Young.

Absent—Messrs. Bassett, Coalter, Pitt, and Tong.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Finch.

Mr. Shields moved to amend by ryder, as follows:

Strike out the third subdivision, and insert the following, to wit:

“*Third.* Whereby any debt shall be created for a larger sum than _____ dollars, unless the law creating such debt, shall provide by taxation for the prompt payment of the interest annually, and the final redemption of the principal, which shall be within twenty years, except in cases of war, insurrection or invasion.”

Which was read, and objected to.

And, after debate, and under the operation of the previous question,

The question was put, “Shall the ryder be rejected?”

And passed in the affirmative, ayes 36, noes 21.

The ayes and noes being demanded by Messrs. Jackson of Howard, and James,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bevitt, Branstetter, Buford, Bunch, Davis, Fulkerson, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Simonds, Simpson, Slack, Stewart, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Brooking, Brown, Campbell, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Hunt, Hunter, Hyatt, Marmaduke, Pipkin, Shields, Stone, Thomas, Ward, Woodson, and Wright.

Absent—Messrs. Bassett, Broadhead, Coalter, Pitt, Wells, and Young.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock and Finch.

Mr. Forshey moved to amend by ryder, as follows:

Add to the end of the third subdivision of the first division of section 26, the following, to wit:

“Provided, nevertheless, that the credit of the State may be used, if necessary, for the payment of the interest annually on the present State debt.”

Which was read, and objected to.

Whereupon,

The question was put, “Shall the ryder be rejected?”

And passed in the affirmative.

Mr. Green moved to amend by ryder, as follows:

In the 7th line of the third clause of the first division of section 26, after the word “alone,” insert the following, to wit:

“And shall propose the ways and means by taxation for the payment of the debt and interest, as they become due.”

Which was read, and objected to.

Whereupon, —

The question was put, “Shall the ryder be rejected?”

And passed in the negative.

The ryder was then read a second and third time, and adopted.

Mr. Massey moved that Section 27 be taken up.

Which was agreed to.

The Convention then adjourned.

SA'TURDAY MORNING, JANUARY 3.

Mr. McHenry offered the following resolution, to wit:

“*Resolved*, That the committee on Accounts be instructed to make out a complete list of all the expenses of this Convention—the amount that each member is entitled to for his per diem allowance—the number of days he has been in attendance—the number of miles he has travelled in coming to the seat of government, and returning home, and the amount of his mileage—also the amount for printing, for clerk hire, and all other contingent expenses; and that they report the same to the Convention at the close of the session, to be made a part of the journal.”

Mr. Bassett moved to amend by adding the following, to wit:

“And published in the various newspapers of this State.”

And the question was put, “shall the amendment be agreed to?”

And passed in the negative.

The question recurred on the resolution,

And the question was put, to wit:

“Shall the resolution be agreed to?”

And passed in the affirmative; ayes 55, noes 5.

The ayes and noes being demanded by Messrs. McHenry and Leslie,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bevitt, Branstetter, Brooking, Brown, Buford, Bunch, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Applegate, Bassett, Broadhead, Hunter, and Stewart.

Absent—Messrs. Coalter, Pitt, and Wells.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Finch.

On motion of Mr. Bviett,

Resolved, That a committee of three be appointed by the President, whose duty it shall be to see that the Constitution be duly and correctly enrolled.

Mr. James moved to amend the journal of the 19th of December last,

But gave way to Mr. McHenry;

On whose motion, it was

Resolved, That the journal be so corrected as to place the vote of Mr. James in the negative on the adoption of Mr. Applegate's amendment, offered on the 19th of December, proposing that no county hereafter to be organized shall contain less than five hundred and seventy-six square miles.

Mr. Stone, from the committee on engrossed amendments, submitted the following

REPORT:

“Mr. President :

The Committee on Engrossed Amendments have examined “Article VIII,” “of Banks and Corporations,” and find that the same has been correctly engrossed.

The third reading of Article III was resumed.

Section 27 was read.

Mr. Ewing moved to amend, by ryder, as follows:

Insert after the word “offence,” in the third line of section 27, the following, to wit:

“But the Legislature *shall* provide by law that any slave, or free ne-

gro, committing a rape on the body of a white woman, shall suffer death."

Which was read, and objected to.

Whereupon,

The question was put, "shall the ryder be rejected?"

And passed in the negative; ayes 15, noes 45.

The ayes and noes being demanded by Messrs. Ewing and Neaves,

Those who voted in the affirmative are,

Messrs. Applegate, Bevitt, Campbell, Coalter, Gentry, Griffin, Hunt, Leslie, Marmaduke, Polk, Simonds, Simpson, Slack, Stewart, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bassett, Branstetter, Broadhead, Brook-
ing, Brown, Buford, Bunch, Davis, Ewing, Farquhar, Forshey, Foster,
Fulkerson, Gibbony, Green, Hickman, Horine, Hunter, Hyatt, Jack-
son of Howard, Jackson of Randolph, James, Jones of Franklin, Jones
of Newton, Jones of Scotland, Kincheloe, McHenry, Mitchell, Morrow,
Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Stone, Thomas,
Tong, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Massey, Pitt, and Wilcoxson.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock and Finch.

The ryder was then read a second time.

Mr. Stone moved to amend the ryder by striking out the word "shall"
and inserting the word "may."

Which was read, and objected to; and thereupon,

The question was put "shall the amendment be rejected?"

And passed in the negative; ayes 16, noes 45.

And the ayes and noes being demanded by Messrs. Ewing and James,

Those who voted in the affirmative are,

Messrs. Alexander, Bassett, Broadhead, Brown, Bunch, Davis, Ewing,
Gibbony, Hunter, Jackson of Randolph, James, Jones of Newton,
Neaves, Shields, Tong, and Woodson.

Those who voted in the negative are,

Messrs. Anderson, Applegate, Bevitt, Branstetter, Brook-
ing, Buford, Campbell, Coalter, Farquhar, Forshey, Foster, Fulkerson, Gentry,
Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jackson of Howard,
Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Massey, Mc-

Henry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Polk, Porter, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President.

Absent—Messrs. Marmaduke, and Pitt.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock and Finch.

Mr. Jones of Franklin moved to amend the ryder, as amended, by substituting therefor the following, to wit:

“And the Legislature may provide, by law, the punishment to be inflicted upon a slave or free negro for the commission of a rape on the body of a white woman.”

Which was read, and rejected.

Mr. Wright moved the following as a substitute for the section and ryder, to wit:

“Section 27. In prosecutions for felony and capital crimes, slaves shall not be deprived of an impartial trial by jury—and courts of justice, before whom slaves shall be tried, shall assign them counsel for their defence.”

Which was read and objected to. And thereupon,

The question was put, “shall the substitute be rejected?”

And passed in the negative.

The substitute was then read a second and third time and adopted.

Sections 28, 29, 30, 31 and 32 were read.

Mr. Brown moved to amend, by ryder, as follows:

Strike out all after the word “be,” in the fourth line of section 32, and insert the following, to wit:

“Attached to and published with the laws, at every regular session of the Legislature.”

Which was read twice; when,

Mr. Jones of Newton objecting to the third reading,

The question was put, “shall the ryder be read a third time?”

And passed in the negative.

Section 33 was read.

Mr. Campbell moved to amend, by ryder, as follows:

Add to the end of the 33rd section the following words, to wit:

“And every such officer shall, at the same time, make an affidavit that, subsequent to the ratification of this Constitution, he has not been engaged in a duel, as principal, second, surgeon, accessory, or abettor; nor in giving, carrying, or accepting a challenge to fight a duel; and that he will not be thus engaged in any duel so long as he continues in office.”

Which was read and objected to.

At this stage of the proceedings,

The Convention adjourned until 1 o'clock, P. M.

EVENING SESSION.

The previous question was moved by Mr. Bevitt; was demanded, put, and carried in the affirmative.

The main question was then put, to wit: "Shall the ryder moved this morning by Mr. Campbell, be rejected?"

And passed in the negative; ayes 22, noes 39.

The ayes and noes being demanded by Messrs. Jones of Newton and Farquhar,

Those who voted in the affirmative are,

Messrs. Alexander, Broadhead, Buford, Bunch, Coalter, Davis, Farquhar, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jones of Newton, Jones of Scotland. Kincheloe, Massey, Mitchell, Neaves, Pannell, Pitt, Shields, and Wells.

Those who voted in the negative are,

Messrs. Anderson, Bassett, Bevitt, Branstetter, Brooking, Campbell, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Hickman, Hunt, Hyatt, Jackson of Randolph, James, Jones of Franklin, Leslie, Marmaduke, McHenry, Morrow, Nickel, Pipkin, Polk, Porter, Simonds, Simpson, Slack, Stewart, Stone. Thomas, Tong, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Absent—Messrs. Applegate, Brown, and Hunter.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

The ryder was read a second and third time.

And, after debate,

The previous question was moved by Mr. James; was demanded, put, and carried in the affirmative.

The main question was then put, to wit: "Shall the ryder be adopted?"

And passed in the affirmative; ayes 34, noes 29.

And the ayes and noes being demanded by Messrs. Coalter and Farquhar,

Those who voted in the affirmative are,

Messrs. Anderson, Bassett, Bevitt, Branstetter, Brooking, Campbell, Ewing, Finch, Foster, Fulkerson, Gentry, Hickman, Hunt, Hyatt, James, Jones of Franklin, Leslie, Marmaduke, McHenry, Morrow, Nickel, Polk, Porter, Simonds, Simpson, Stewart, Stone, Thomas,

Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Applegate, Broadhead, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Forshey, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Mitchell, Neaves, Pannell, Pipkin, Pitt, Shields, Slack, and Wells.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Wright moved to amend, by ryder, as follows:

Add to the end of section 33 the following, to wit:

“It shall be the duty of the General Assembly to provide by law for the mode and manner in which the survivor of a duel, and his estate, shall be rendered responsible to, and charged with a compensation for the wife and children of the deceased, whom he has slain.”

Which was read, and objected to. And thereupon,

The question was put, “shall the ryder be rejected?”

And passed in the negative.

The ryder was then read a second and third time and adopted.

On motion of Mr. Polk,

Section 34 was taken up and read.

Mr. Jackson of Randolph moved to amend, by ryder, as follows:

Strike out section 34 and insert the following, to wit:

“The General Assembly shall meet on the third Monday in October, 1848, and, thereafter, the General Assembly shall meet once in every two years; and such meeting shall be on the third Monday of October, unless a different day be fixed by law.”

Which was read and rejected.

Section 35 was then read.

Mr. Simonds moved to amend, by ryder, as follows:

After the word “miles,” where it occurs in the third line of section 35, insert the words following, to wit:

“Except on the northern boundary of the State.”

Which was read and rejected.

Mr. Anderson moved to amend, by ryder, as follows:

Strike out the words “two-thirds of,” in the fifth line of section 35.

Which was read and objected to.

And, under the operation of the previous question,

The question was put, “shall the ryder be rejected?”

And passed in the affirmative; ayes 42, noes 21.

The ayes and noes being demanded by Messrs. Anderson and James,

Those who voted in the affirmative are,

Messrs. Applegate, Bassett, Branstetter, Broadhead, Brooking, Brown,

Buford, Bunch, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wilcoxson, Wright, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bevitt, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Hunt, Hunter, Leslie, Pipkin, Pitt, Stewart, Stone, Wells, Woodson, and Young.

Absent—Mr. Coalter.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Griffin moved to amend, by ryder, as follows:

Add to the end of section 35, the following, to wit:

“Provided, Residuums of territory upon the northern boundary, containing four hundred square miles, may have county organization.”

Which was read, and objected to. And thereupon,

The question was put, “shall the ryder be rejected?”

And passed in the negative; ayes 7, noes 52.

And the ayes and noes being demanded by Messrs. Simonds and Jones of Scotland,

Those who voted in the affirmative are,

Messrs. Applegate, Ewing, Farquhar, Gibbony, Hunter, Pipkin, and Woodson.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bassett, Bevitt, Branstetter, Brooking, Buford, Bunch, Campbell, Davis, Finch, Forshey, Foster, Fulkerson, Gentry, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President.

Absent—Messrs. Broadhead, Brown, Coalter, Stewart, and Tong.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

The ryder was then read a second and third time, and adopted.

Mr. Alexander moved to amend, by ryder, as follows:

Add to the end of section 35 the following, to wit:

“Provided, That nothing in this section shall be so construed as to prevent the General Assembly from altering the lines between any two counties now established, where the object and intention is not to create a new county, but merely for the mutual benefit and convenience of the people of such counties: and,

Provided further, That in making such alterations, neither county shall be reduced to less than four hundred square miles.”

Which was read and objected to.

And thereupon,

The question was put, “shall the ryder be rejected?”

And passed in the affirmative; ayes 36, noes 22.

The ayes and noes being demanded by Messrs. Gibbony and Alexander,

Those who voted in the affirmative are,

Messrs. Anderson, Applegpte, Bevitt, Branstetter, Broadhead, Brook-
ing, Bunch, Campbell, Ewing, Farquhar, Finch, Forshey, Foster, Ful-
kerson, Gentry, Green, Hickmsn, Horine, Hunt, Hyatt, Jackson of
Howard, Jones of Scotland, Leslie, Massey, Mitchell, Morrow, Nickel,
Pitt, Polk, Simpson, Stone, Wells, Woodson, Wright, and Young.

Those who voted in the negative are,

Messrs. Alexander, Buford, Gibbony, Hunter, Jackson of Randolph,
James, Jones of Franklin, Jones of Newton, Kincheloe, Marmaduke,
McHenry, Neaves, Pannell, Pipkin, Porter, Shields, Simonds, Slack,
Thomas, Ward, Wilcoxson, and Mr. President.

Absent—Messrs. Brown, Coalter, Davis, Griffin, Stewart, and Tong.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Applegate moved to amend by ryder, as follows:

After the word “counties” in the first line of Section 35, add the
words “or otherwise.”

Which was read, and objected to.

And thereupon,

The question was put, “Shall the ryder be rejected?”

And passed in the negative.

The ryder was then read a second and a third time, and adopted.

Mr. Jackson of Howard, moved to amend by ryder, as follows:

Add to the end of Section 35, the following, to wit:

*“Provided, that the General Assembly shall have power to change
the line between the counties of Ste. Genevieve and St. Francois, so*

that neither county shall be reduced to less than four hundred square miles."

Which was read, and rejected.

Mr. Hunter moved to amend by ryder, as follows:

Add as the 37th section, the following, to wit:

"Section 37. Within ten years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested and promulgated, in such manner as the General Assembly shall direct; and a like revision, digest, and promulgation, shall be made at the expiration of every subsequent period of ten years."

Which was read three times; and

The question was put, "Shall the ryder be adopted?"

And passed in the negative.

On motion of Mr. Massey,

Section 6 was recurred to.

Whereupon,

Mr. Massey moved to amend by ryder, as follows:

Add to the end of the 6th Section, the following, to wit:

"Except a county whose population shall entitle it to two or more senators, in which case said county shall be divided by the tribunal transacting county business, as soon after each apportionment as is practicable, into as many districts as it may be entitled to senators; which districts shall not be changed until after the succeeding apportionment: each of which districts shall elect one senator."

Which was read three times.

And the question was on the adoption thereof,

When the Convention adjourned.

MONDAY MORNING, JANUARY 5.

On motion of Mr. McHenry,

The reading of the Journal of Saturday last was dispensed with.

Under the order of Saturday last,

The President appointed the following gentlemen as the committee on Enrolled Propositions, to wit:

Messrs. Bevitt, Woodson, and Massey.

On motion,

The third reading of Article III was resumed.

At the adjournment of Saturday last,

The pending question was on the adoption of the ryder moved by Mr. Massey to Section 6.

Mr. Campbell now moved to amend said ryder, as follows:

Add to the end of the ryder, the following words, to wit:

"And any person, otherwise qualified, who has lived in such senato-

rial district one month, shall be entitled to vote in the same; and until he shall acquire the right to vote in such district, he shall be entitled to vote in the district from which he removed; and, in like manner, any person who has removed from one representative district in such county, to another, shall, until he acquires a right to vote in the district to which he has removed, have the right to vote in the representative district from which he removed."

Which was read three times; and

Under the operation of the previous question,

The question was put, "Shall the amendment be adopted?"

And passed in the affirmative, ayes 45, noes 18.

The ayes and noes being demanded by Messrs. Polk and Leslie,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bassett, Bevitt, Broadhead, Brook-
ing, Campbell, Coalter, Davis, Ewing, Finch, Forshey, Foster, Fulkerson, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, McHenry, Mitchell, Morrow, Pitt, Polk, Porter, Shields, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

These who voted in the negative, are,

Messrs. Alexander, Branstetter, Buford, Bunch, Farquhar, Gentry, Gibbony, Hunter, Jackson of Randolph, James, Jones of Scotland, Marmaduke, Massey, Neaves, Nickel, Pannell, Pipkin, and Simonds.

Absent—Mr. Brown.

Absent, with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Marmaduke moved that the rider as amended do lie on the table.

And, under the operation of the previous question,

The question was put, "Shall the ryder as amended lie on the table?"

And passed in the negative.

The rider, as amended, was then adopted.

On motion of Mr. James,

Section 33 was recurred to.

Mr. James moved to amend by ryder, as follows:

Strike out from the word "abettor" in the 5th line to the word "and" in the 6th line, of the clause against duelling,

And insert the following, to wit:

"Nor in giving, accepting, or knowingly carrying a challenge to fight a duel."

Which was read three times, and adopted.

A motion was now made by Mr. Fulkerson, that the Convention do reconsider the vote of Saturday last, adopting Mr. Campbell's ryder to section 33, on the subject of duelling.

And the question being put,

Passed in the affirmative.

Under the operation of the previous question,

The question was again put, "Shall the ryder be adopted?"

And passed in the negative, ayes 29, noes 34.

The ayes and noes being demanded by Messrs. Campbell and Finch, Those who voted in the affirmative, are,

Messrs. Anderson, Bassett, Bevitt, Branstetter, Brooking, Campbell, Ewing, Finch, Foster, Gentry, Hickman, Hyatt, James, Jones of Franklin, Marmaduke, McHenry, Morrow, Polk, Porter, Simonds, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Broadhead, Buford, Bunch, Coalter, Davis, Farquhar, Forshey, Fulkerson, Gibbony, Green, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Mitchell, Neaves, Nickel, Pannell, Pipkin, Pitt, Shields, Simpson, Slack, Stewart, and Wells.

Absent—Mr. Brown.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Forshey moved to amend by ryder, as follows:

After the word office in the 7th line of Sec. 33, insert the following:

"Any person who, after the ratification of this Constitution, shall be engaged in a duel, either as principal or second, surgeon, accessory, or abettor, or in giving, accepting, or knowingly carrying a challenge to fight a duel, shall be disqualified from holding any civil or military office or appointment in this State; and if any person, thus disqualified, shall receive an appointment, election, or commission, the same shall be void."

Which was read twice; when

Mr. Pitt moved to amend the ryder, as follows:

Insert after the word "duel" in the fifth line, the following words; to wit:

"In which life is taken."

Which was read three times;

And under the operation of the previous question,

The question was put, "Shall the amendment be adopted?"

And passed in the negative, ayes 18, noes 44.

The ayes and noes being demanded by Messrs. Campbell and Stone,
Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Branstetter, Buford, Bunch, Coalter, Davis, Farquhar, Gibbony, Horine, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Pannell, Pitt, Shields, and Slack.

Those who voted in the negative, are,

Messrs. Anderson, Bassett, Bevitt, Broadhead, Brooking, Campbell, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel, Pipkin, Polk, Porter, Simonds, Simpson, Stewart, Stone, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Absent—Messrs. Brown and Thomas.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

The previous question was moved by Mr. Broadhead, was demanded, put, and carried in the affirmative.

The main question was then put, to wit: "Shall the ryder be read a third time?"

And passed in the affirmative, ayes 46, noes 17.

The ayes and noes being demanded by Messrs. Forshey and Finch,
Those who voted in the affirmative, are,

Messrs. Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Campbell, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Green, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel, Pitt, Polk, Porter, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Buford, Bunch, Coalter, Davis, Farquhar, Gibbony, Griffin, Horine, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Pannell, Pipkin, and Shields.

Absent—Mr. Brown.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

The ryder was then read a third time and adopted.

On motion of Mr. Green,

Section 32 was taken up and read.

Mr. Green moved to amend by ryder, as follows:

After the word "law" in the third line of Section 32, insert the words "or joint resolution."

Which was read three times, and adopted.

Article III having now been read a third time,

The question was put, "Shall the said Article be adopted?"

And passed in the affirmative, ayes 40, noes 23.

The ayes and noes being demanded by Messrs. Anderson and Finch,

Those who voted in the affirmative, are,

Messrs. Bassett, Bevitt, Branstetter, Brooking, Bunch, Campbell, Ewing, Finch, Fulkerson, Green, Griffin, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, Ward, Wilcoxson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Applegate, Broadhead, Buford, Coalter, Davis, Farquhar, Forshey, Foster, Gentry, Gibbony, Hickman, Horine, Hunt, Leslie, Pipkin, Pitt, Stewart, Stone, Wells, Woodson, and Young.

Absent—Mr. Brown.

Absent, with leave—Mr. Cannon.

Sick—Mr. Acock.

On motion of Mr. Jones of Franklin,

The engrossed Article numbered 5, was taken up for a third reading. Sections 1 and 2 were read.

Mr. Marmaduke moved to amend by ryder, as follows:

Add to Section 2 the words following, to wit:

"But the Legislature may limit the amount for which writs of error and appeals shall lie to the supreme court.

Which was read, and objected to.

And under the operation of the previous question,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative.

Section 3 was then read.

Mr. Broadhead moved to amend by ryder, as follows:

In the second line of the third section, between the words "mandamus" and "quo warranto," insert the word "prohibition."

And between the words "quo warranto" and "certiorari," insert the words "information in the nature of writs of writs of quo warranto."

Which was read three times, and adopted.

Section 4 was read.

Mr. Pipkin moved to amend by ryder, as follows:

Strike out the words "until otherwise directed by law."

Which was read, and rejected.

Section 5 was read.

Mr. Jones of Franklin, moved to amend by ryder, as follows:

Strike out Section 5, and insert the following:

"Section 5. The judges of the supreme court shall be chosen by the qualified electors of the State, for ——— years.

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative, ayes 40, noes 22.

The ayes and noes being demanded by Messrs. McHenry and Ward,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Bassett, Branstetter, Broadhead, Brooking, Brown, Campbell, Ewing, Finch, Forshey, Foster, Gentry, Gibbony, Green, Hickman, Hunter, Hyatt, Jackson of Howard, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Neaves, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Applegate, Bevitt, Buford, Bunch, Davis, Farquhar, Fulker-son, Griffin, Horine, Hunt, Jackson of Randolph, James, Jones of Frank-
lin, Jones of Newton, Jones of Scotland, McHenry, Morrow, Nickel, Pannell, Simonds, Stewart, and Wells.

Absent—Messrs. Coalter and Young.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Jones of Franklin, moved to amend by ryder, as follows:

Strike out Section 5, and insert the following:

"Section 5. The Governor shall nominate, and, by and with the con-
sent of the Senate, shall appoint the judges of the supreme court for
six years; and every appointment to fill a vacancy shall be for the resi-
due of the term only; but, in all cases, the judges shall hold over till
a successor is appointed and qualified."

Which was read, and rejected.

On motion of Mr. Massey,

Section 6 was taken up, and read.

Mr. Jackson of Howard, moved to amend by ryder, as follows:

Strike out all after the word "which" in the second line of Section
6; to the word "shall" in the third line.

Which was read three times, and adopted.

Mr. Pipkin moved to amend by ryder, as follows:

Insert the words "increased or" after the word "be" in the third line
of section 6.

Which was read, and rejected.

Sections 7 and 8 were read.

Mr. Marmaduke now moved to amend by ryder, as follows:

"Strike out Section 8."

Which was read, and objected to.

And, under the operation of the previous question,

The question was put "Shall the ryder be rejected?"

And passed in the negative, ayes 30, noes 32.

The ayes and noes being demanded by Messrs. Marmaduke and Polk,

Those who voted in the affirmative, are,

Messrs. Anderson, Bevitt, Broadhead, Brown, Buford, Bunch, Campbell, Davis, Ewing Finch, Forshey, Foster, Gibbony, Hickman, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Massey, Neaves, Nickel, Pannell, Stone, Tong, Ward, Wells, Woodson, Wright and Young.

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Bassett, Branstetter, Coalter, Farquhar, Fulkerson, Gentry, Green, Griffin, Hunt, Hunter, Hyatt, Jackson of Howard, Kincheloe, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Wilcoxson, and Mr. President.

Absent—Messrs. Brooking and Horine.

Absent, with leave—Mr. Cannon.

Sick—Mr. Acock.

The ryder was then read a second and third time.

And the question was put, "Shall the ryder be adopted?"

And passed in the negative, ayes 31, noes 31.

The ayes and noes being demanded by Messrs. Simpson and James

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bassett, Branstetter, Coalter, Farquhar, Fulkerson, Green, Griffin, Hunt, Hunter, Jackson of Howard, Jones of Scotland, Kincheloe, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Bevitt, Broadhead, Brown, Buford, Bunch, Campbell, Davis, Ewing, Finch, Forshey, Foster, Gentry, Gibbony, Hick-

man, Hyatt, Jackson of Randolph, James. Jones of Franklin, Jones of Newton, Massey, Neaves, Nickel, Pannell, Stone, Tong, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Brooking and Horine.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Anderson moved to amend by ryder, as follows:

Insert the word "circuit" between the words "no" and "judge," in the first line of Section 8.

Which was read, and rejected.

Mr. Green moved to amend by ryder, as follows:

Strike out the words "term for" in the second line of Section 8, and insert the following in lieu thereof, to wit:

"Time he shall continue in office to."

Which was read, and rejected.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SSESSION.

Section 9 was read.

Mr. Green moved to amend, by ryder, as follows:

Strike out section 9, and insert the following, to wit:

"Section 9. The State shall be divided into as many convenient compact circuits as the public good may require."

Which was read;

And, under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative.

Sections 10 and 11 were read.

Mr. Wilcoxson moved to amend, by ryder, as follows:

Strike out the words between the word "which," in the third line, and the word "shall," in the fourth line.

Which was read and objected to.

And thereupon,

The question was put, "shall the ryder be rejected?"

And passed in the negative; ayes 21, noes 38.

The ayes and noes being demanded by Messrs. Wilcoxson and James,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bassett, Broadhead, Brooking, Campbell, Ewing, Forshey, Foster, Gentry, Horine, Hunt, Jones of Newton, Kincheloe, Massey, Pipkin, Polk, Stewart, Wells, Woodson, and Wright.

Those who voted in the negative are,

Messrs. Alexander, Bevitt, Branstetter, Brown, Buford, Bunch, Davis, Farquhar, Fulkerson, Gibbony, Green, Griffin, Hickman, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pitt, Porter, Shields, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Young, and Mr. President.

Absent—Messrs. Coalter, Hunter, Leslie, and Simonds

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, and Finch.

The ryder was then read a second and third time,
And the question was put, "shall the ryder be adopted?"

And it passed in the affirmative; ayes 37, noes 23.

And the ayes and noes being demanded by Messrs. Bassett and Polk,

Those who voted in the affirmative, are,

Messrs. Alexander, Bevitt, Branstetter, Brown, Buford, Bunch, Davis, Fulkerson, Gibbony, Green, Griffin, Hickman, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pitt, Porter, Shields, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Young and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Applegate, Bassett, Broadhead, Brooking, Campbell, Ewing, Farquhar, Forshey, Foster, Gentry, Horine, Hunt, Jones of Newton, Kincheloe, Leslie, Massey, Pipkin, Polk, Stewart, Wells, Woodson, and Wright.

Absent—Messrs. Coalter, Hunter, and Simonds.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, and Finch.

Mr. Broadhead moved to amend, by ryder, as follows:

Strike out the word "six," in the second line of section 11, and insert the word "eight."

Which was read a second and third time; when,

Mr. Slack objected to the third reading.

The question was then put, "shall the ryder be read a third time?"

And passed in the negative; ayes 16, noes 45.

The ayes and noes being demanded by Messrs. Marmaduke and Campbell,

Those who voted in the affirmative, are,

Messrs. Anderson, Bevitt, Broadhead, Brooking, Campbell, Forshey, Foster, Gentry, Hickman, Hyatt, Marmaduke, Polk, Stone, Thomas, Wright, and Young.

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Bassett, Branstetter, Brown, Buford, Bunch, Davis, Ewing, Farquhar, Fulkerson, Gibbony, Green, Griffin, Horine, Hunt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Porter, Shields, Simonds, Simpson, Slack, Stewart, Tong, Ward, Wells, Wilcoxson, Woodson, and Mr. President.

Absent—Messrs. Coalter, and Hunter.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Finch.

Mr. Polk moved to amend, by ryder, as follows:

Insert the words "a majority of," between the words "by" and "the" in the 11th section.

Which was read three times;

The question was put, "shall the ryder be adopted?"

And passed in the negative.

Sections 12, 13, 14, and 15 were read.

Mr. Wright moved to amend, by ryder, as follows:

Between the words "divorces" and the word "to," in the first line, add the following words, to wit:

"In all cases prescribed by law."

Which was read three times and adopted.

Sections 16, 17, and 18 were read.

Mr. Pipkin moved to amend, by ryder, as follows:

Strike-out the word "six," in the second line of section 18, and insert the word "four."

Which was read, and objected to.

The previous question was moved by Mr. Jackson of Howard,

But was not demanded.

The question recurred, "shall the ryder be rejected?"

And was put,

And passed in the affirmative,

{ Ayes 41

{ Noes 20

The ayes and noes being demanded by Messrs. Pipkin and Bunch,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Brooking, Brown, Campbell, Coalter, Davis, Ewing, Forshey, Foster, Fulkerson, Gentry, Hickman, Hunt, Hyatt, Jackson of Howard, James, Jones of Newton, Jones of Scotland, Kincheloe, Mitchell, Morrow, Neaves, Nickel, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Woodson, Wright; and Mr. President.

Those who voted in the negative, are,

Messrs. Bassett, Buford, Bunch, Farquhar, Gibbony, Green, Griffin, Horine, Jackson of Randolph, Jones of Franklin, Leslie, Marmaduke, Massey, McHenry, Pannell, Pipkin, Pitt, Polk, Wells, and Wilcoxson.

Absent—Mr. Hunter.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, Finch, and Young.

Sections 19, 20, and 21 were read.

Mr. Griffin moved to amend, by ryder, as follows to wit:

Strike out section 21.

Which was read, and objected to.

And thereupon,

The question was put "Shall the ryder be rejected?"

And passed in the affirmative,	{ Ayes 39
	{ Noes 21

The ayes and noes being demanded by Messrs Hunt and Wright,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Ewing, Forshey, Foster, Gentry, Gibbony, Green, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, Mitchell, Pitt, Polk, Porter, Shields, Simpson, Slack, Stewart, Stone, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Buford, Bunch, Campbell, Davis, Farquhar, Fulkerson, Griffin, Hickman, Hunter, Jones of Scotland, Kincheloe, Leslie, McHenry, Morrow, Neaves, Nickel, Pannell, Pipkin, Simonds, and Thomas.

Absent—Messrs. Brown, and Coalter.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Finch, and Young.

Sections 22 and 23, were read.

Mr. Green moved to amend, by ryder, as follows:

After the word "language," in the second line of section 23, insert the following, to wit:

"Except that the proper and known names of process and technical words may be expressed in the language heretofore and now commonly used."

Which was read three times and adopted.

Section 24 was read.

Mr. Green moved to amend, by ryder, as follows:

Strike out the word "two-thirds" and insert the words "a majority."

Which was read, and objected to.

And thereupon,

The question was put, "Shall the ryder be rejected?"

And passed in the negative,	{ Ayes 19
	{ Noes 40

The ayes and noes being demanded by Messrs. Green and Bunch,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Applegate, Bevitt, Branstetter, Broadhead, Buford, Campbell, Davis, Foster, Gentry, Hunt, Hyatt, Jones of Franklin, Morrow, Simonds, Slack, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Bassett, Brooking, Brown, Bunch, Ewing, Farquhar, Forshey, Fulkerson, Gibbony, Green, Griffin, Hickman, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Simpson, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, and Woodson.

Absent—Messrs. Coalter, Marmaduke, and Shields.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, Finch, and Young.

The ryder was then read a second and third time, and adopted.

On motion of Mr. Jackson of Howard,

The 10th section was recurred to.

Mr. Jackson of Howard moved to amend, by ryder, as follows:

Add to the end of section 10 the following words, to wit:

"*Provided*, That nothing in this section shall prevent the General

Assembly from adding to any circuit such new county or counties as may at any time be organized within such circuit."

Which was read three times and adopted,

Mr. Foster moved to amend by ryder, as follows:

Add to Article V the following section, to wit:

"Section 25. It shall not be lawful for any court of this State to permit any alien to take the oath of allegiance to the United States therein, unless it shall first ascertain that such alien can understand and speak intelligibly the English language."

Which was read and objected to.

And, under the operation of the previous question,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative,	{ Ayes 59
	{ Noes 9

The ayes and noes being demanded by Messrs. Foster and Campbell

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Brook-
ing, Brown, Buford, Bunch, Coalter, Davis, Ewing, Farquhar, Fulker-
son, Gibbony, Green, Griffin, Hunt, Hunter, Jackson of Howard, Jack-
son of Randolph, James, Jones of Franklin, Jones of Newton, Kinche-
loe, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Nickel,
Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack,
Stewart, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, and Mr.
President.

Those who voted in the negative are,

Messrs. Anderson, Broadhead, Campbell, Foster, Gentry, Hickman,
Hyatt, Stone, and Wright.

Absent—Messrs. Forshey, Horine, and Massey.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, Finch, and Young.

A motion was made by Mr. Anderson "that section 9 be recurred
to."

And the question was put,

And passed in the negative.

A motion was also made by Mr. Anderson "that the vote of this mor-
ning, refusing to adopt Mr. Marmaduke's ryder to section 8, be recon-
sidered."

And the question being put,

Passed in the negative.

Article V, having been read a third time,

The question was put, "shall the said Article be adopted?"

And passed in the affirmative, { Ayes,.....33
 { Noes,.....27
 The ayes and noes being demanded by Messrs. Wright and Ward,

Those who voted in the affirmative, are,

Messrs. Alexander, Bevitt, Branstetter, Broadhead, Brown, Buford, Bunch, Davis, Ewing, Fulkerson, Gibbony, Hunter, Jackson of Howard, Jackson of Randolph, James. Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Porter, Simonds, Simpson, Slack, Tong, Ward, Wilcoxson, and Woodson.

Those who voted in the negative, are,

Messrs. Anderson, Applegate, Bassett, Brooking, Campbell, Farquhar, Forshey, Foster, Gentry, Green, Griffin, Hickman, Hunt, Hyatt, Leslie, Marmaduke, Morrow, Pipkin, Pitt, Polk, Shields, Stewart, Stone, Thomas, Wells, Wright, and Mr. President.

Absent—Messrs. Coalter, Finch and Horine.

Absent with leave— Mr. Cannon.

Sick—Messrs. Acock, and Young.

On motion,

Article XI was taken up for a second reading.

Mr. Thomas moved to amend by striking out the whole Article;

Which was read twice; and,

After debate,

The previous question was moved by Mr. Simpson; was demanded, put, and carried in the affirmative.

A motion was then made by Mr. Finch "that the Convention do adjourn."

And the question was put,

And passed in the negative.

The main question was then put, to wit: "Shall the amendment be agreed to?"

And passed in the negative, { Ayes 10
 { Noes 46

The ayes and noes being demanded by Messrs. Thomas and Shields,

Those who voted in the affirmative are,

Messrs. Broadhead, Brooking, Ewing, Marmaduke, Mitchell, Pitt, Shields, Stone, Thomas, and Wells.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Brown, Buford, Bunch, Campbell, Coalter, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Massey, McHenry, Morrow, Neaves, Nickel, Pipkin, Polk, Simonds, Simpson, Slack, Stewart, Tong, Ward, Wilcoxson, Woodson, Young, and Mr. President.

Absent—Messrs. Davis, Griffin, Horine, Jones of Scotland, Leslie, Pannell, Porter, and Wright.

Absent, with leave—Mr. Cannon.

Sick—Mr. Acock.

The question was now, "shall Article XI be read a third time?"

And, under the operation of the previous question,

It was put,

And passed in the affirmative.

The rule was then suspended, and the said Article was read a third time,

And adopted.

The Convention then adjourned.

TUESDAY MORNING, JANUARY 6.

On motion of Mr. Bevitt,

The reading of the Journal of yesterday, was dispensed with.

Mr. Forshey offered the following resolution, to wit:

Resolved, That the sum of seventy-five dollars be allowed to the Rev. Mr. Hedges, and the same amount to the Rev. Mr. Lewis, as a remuneration for their services as Chaplains during the session of the Convention, to be paid out of the appropriation to defray the expenses of the Convention; and that the President give to them proper certificates to enable them to draw the same.

Mr. Shields moved the following substitute, to wit:

Resolved, That the members of this Convention will each contribute two dollars for the purpose of remunerating the Rev. Mr. Hedges and Mr. Lewis, for their services as Chaplains to this Convention.

A motion was made by Mr. James, 'that the resolution and substitute do lie on the table.'

The question was divided,

And, under the operation of the previous question,

Was put, *first*, "Shall the substitute lie on the table?"

And passed in the affirmative.

The question was put, *secondly*, "Shall the resolution lie on the table?"

And passed in the affirmative,	{	Ayes.....	34
		Noes.....	28

The ayes and noes being demanded by Messrs. Anderson and Simonds,

Those who voted in the affirmative, are,

Messrs. Bassett, Branstetter, Brooking, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gentry, Gibbony, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pipkin, Porter, Simpson, Slack, Tong, Wells, and Wilcoxson.

Those who voted in the negative are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Campbell, Coalter, Ewing, Forshey, Foster, Green, Hickman, Horine, Hunt, Hyatt, Leslie, Pannell, Pitt, Polk, Shields, Simonds, Stewart, Stone, Thomas, Ward, Woodson, Wright, Young, and Mr. President.

Absent—Messrs. Alexander and Griffin.

Absent, with leave—Mr. Cannon,

Sick—Mr. Acock.

So the resolution and substitute were ordered to lie on the table.

Mr. Green offered a resolution, to wit:

Resolved, That William S. Douglass be allowed the sum of twenty-five cents per day, for hoisting the flag of the Union over the Hall of the Convention.

Mr. Hunter moved to amend the resolution, by inserting after the word "day" the words "to be paid by the members."

Mr. Applegate moved to amend the amendment, by striking out the words "twenty-five cents" and inserting the words "one dollar."

Whereupon,

On motion of Mr. Hickman,

The resolution, the amendment, and the amendment to the amendment, were ordered to lie on the table.

Mr. Forshey, from a _____ of the committee on the mode of amending the Constitution, submitted a report recommending a Proposition as Article XII.

The report was received; and the Proposition was read once and ordered to a second reading, and is in the words following, to wit:

ARTICLE XII.

The General Assembly shall have power, by a majority of the votes of all the members elected to both houses, to propose to the people amendments to this Constitution. Each house to vote separately, and record such vote by yeas and nays on their respective journals. Which amendments shall be published in _____ newspapers in this State _____ months preceding the next general election when said amendments shall be submitted to a direct vote of the people; and if a majority of the votes cast on the proposed amendments shall be in their favor, then they shall be valid and binding as part of this Constitution.

On motion,
The Proposition reported by the committee on the mode of amending the Constitution, on Thursday the fourth of December last, as Article XII, was taken up and read a second time.
Mr. Jones of Franklin, moved to amend by substitute, as follows:
Strike out Article XII, and insert the following:

ARTICLE XII.

Section 1. Any amendment or amendments to this Constitution may be proposed by either house of the general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon; and the Secretary of State shall cause the same to be published as soon as practicable, in at least one newspaper in any county in which a newspaper shall be published; and such proposed amendment shall be submitted to the people at such time, and in such manner, as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of the State, such amendment or amendments shall become a part of the Constitution.

Which was read, and objected to.

And under the operation of the previous question,
The question was put, "Shall the amendment be rejected?"

And passed in the negative,	{	Ayes	8
		Noes	55

The ayes and noes being demanded by Messrs. Simonds and Ward,

Those who voted in the affirmative, are,

Messrs. Applegate, Buford, Gibbony, Hunt, Marmaduke, Morrow, Wells and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Bunch, Campbell, Coalter, Davis, Ewing, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Green, Griffin, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, and Young.

Absent—Mr. Horine.

Absent with leave—Mr. Cannon.

Sick—Mr. Acock.

Mr. Coalter moved to amend the amendment, as follows:

Strike out the words "amend by substitute," and insert the words "Section 2."

And, under the operation of the previous question,

The question was put, "Shall the amendment to the amendment be agreed to?"

And passed in the negative;	{ Ayes 25
	{ Noes 35

The ayes and noes being demanded by Messrs. Simonds and Ward,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Applegate, Bevitt, Brooking, Brown, Campbell, Coalter, Davis, Ewing, Finch, Foster, Fulkerson, Hickman, Hunt, Hyatt, Leslie, Morrow, Neaves, Nickel, Pannell, Slack, Wells, Wright and Young.

Those who voted in the negative are,

Messrs. Bassett, Branstetter, Broadhead, Farquhar, Forshey, Gentry, Green, Griffin, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, and Mr. President.

Absent—Messrs. Bunch, Gibbony and Horine.

Absent, on leave—Mr. Cannon.

Sick—Messrs. Acock and Buford.

Mr. Massey moved to amend the amendment, as follows:

Strike out the words "a majority" where they first occur in said amendment, and insert the words "two-thirds."

Also, strike out the words "at such time and in such manner as the legislature may prescribe," and insert "at the next general election thereafter."

The last branch of this amendment, comprised in the words, "Also strike out the words 'at such time and in such manner as the legislature may prescribe,' and insert 'at the next general election thereafter,'"

Was accepted by Mr. Jones of Franklin.

And then, under the operation of the previous question,

The question was put, "Shall the words 'a majority' be stricken out, and the words 'two-thirds' inserted?"

And passed in the negative,	{	Ayes	11
		Noes	51

The ayes and noes being demanded by Messrs. Stewart and Polk,

Those who voted in the affirmative are,

Messrs. Finch, Fulkerson, Gibbony, Hunter, Massey, Mitchell, Morrow, Nickel, Simpson, Tong, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Bunch, Campbell, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Green, Griffin, Hickman, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, McHenry, Neaves, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Slack, Stewart, Stone, Thomas, Ward, Wells, Wilcoxson, Woodson, Wright, and Young.

Absent—Mr. Horine.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Buford.

Mr. Polk moved to amend the amendment by striking out the words "of the State" in the fifteenth line, and inserting the words "voting for and against such proposed amendment or amendments" instead thereof.

The question was "Shall the amendment to the amendment be agreed to?"

And, under the operation of the previous question,

It was put,

And passed in the affirmative,	{	Ayes	36
		Noes	25

The ayes and noes being demanded by Messrs. Stone and Finch,

Those who voted in the affirmative are,

Messrs. Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brook-
ing, Brown, Campbell, Coalter, Davis, Ewing, Farquhar, Finch, For-
shey, Foster, Gentry, Hickman, Hunt, Hyatt, Leslie, Marmaduke, Mc-
Henry, Neaves, Pannell, Pipkin, Polk, Shields, Simonds, Simpson,
Stone, Thomas, Tong, Ward, Wells, Wright, and Young.

Those who voted in the negative are,

Messrs. Alexander, Applegate, Bunch, Fulkerson, Gibbony, Green,
Griffin, Hunter, Jackson of Howard, Jackson of Randolph, James,
Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe,
Massey, Mitchell, Morrow, Nickel, Pitt, Porter, Slack, Wilcoxson,
Woodson, and Mr. President.

Absent—Messrs. Horine and Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Buford.

Mr. Massey moved to amend the amendment as amended, by insert-
ing between the words "assembly" and the word "and," the words
"until the year 1854.

The previous question was moved, but was not demanded.
And then,

The Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

The question recurred on Mr. Massey's amendment,
And was put "Shall the amendment to the amendment be agreed to?"

And passed in the negative.	{	Ayes	22
		Noes	40

The ayes and noes being demanded by Messrs. Slack and Simonds,

Those who voted in the affirmative are,

Messrs. Applegate, Bassett, Bevitt, Brown, Coalter, Finch, Fulkerson,
Griffin, Hunter, James, Jones of Newton, Kincheloe, Massey, McHenry,
Mitchell, Morrow, Neaves, Nickel, Porter, Slack, Tong, and Wilcoxson.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Branstetter, Broadhead, Brooking, Bunch,
Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Green,

Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Leslie, Marmaduke, Pannell, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, Young and Mr. President.

Absent—Mr. Gibbony.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Buford.

The previous question was moved by Mr. Jones of Franklin, but was not demanded.

Mr. Jackson of Howard then moved to amend the amendment by adding to the end of the same, the following, to wit:

“Provided, That no such amendments shall be proposed prior to the year 1852, and not oftener than once in every ten years thereafter.”

And, under the operation of the previous question,

The question was put, “shall the amendment to the amendment be agreed to?”

And passed in the negative,	{ Ayes	22
	{ Noes	40

The ayes and noes being demanded by Messrs. Simonds and James,

Those who voted in the affirmative are,

Messrs. Applegate, Bevitt, Coalter, Finch, Fulkerson, Griffin, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, McHenry, Mitchell, Morrow, Neaves, Nickel, Porter, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bassett, Branstetter, Broadhead, Brooking, Brown, Bunch, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Green, Hickman, Horine, Hunt, Hyatt, Jones of Franklin, Jones of Scotland, Leslie, Marmaduke, Massey, Pannell, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Mr. Gibbony.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, and Buford.

The previous question was now moved by Mr. Anderson; but was not demanded.

Mr. Jones of Franklin now moved to amend the amendment, as follows:

Strike out all after section 1 and insert the following:

“Section 1. Any amendment or amendments to this Constitution, may be proposed by either house of the General Assembly, and if the same should be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published, as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published; and such proposed amendment shall be submitted to the people, at the next general election thereafter: and if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of the State, cast at that election, and the highest number of votes polled at that election shall be considered a majority of the qualified voters of the State, such amendment or amendments shall become a part of the Constitution.”

The previous question was moved by Mr. Polk; was demanded, put, and carried in the affirmative.

The main question was then put, to wit: “Shall the amendment to the amendment be agreed to?”

And passed in the affirmative,

{	Ayes	32
	Noes	29

The ayes and noes being demanded by Messrs. Jones of Franklin and Jones of Newton,

Those who voted in the affirmative are,

Messrs. Alexander, Brown, Bunch, Farquhar, Finch, Fulkerson, Green, Griffin, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pitt, Porter, Simonds, Simpson, Slack, Tong, Ward, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Applegate, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Hyatt, Leslie, Marmaduke, Pipkin, Polk, Shields, Stewart, Stone, Thomas, Wells, Woodson, Wright, and Young.

Absent—Messrs. Davis, and Gibbony.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, and Buford.

Mr. Pitt moved to amend the amendment, as amended, by adding the following, to wit:

“*Provided*, That after the year 1852, the Legislature shall only have power to submit to the people amendments to the Constitution once in every six years.”

Which was rejected.

Mr. Polk moved to amend the amendment, as amended, by striking out all after the word “voters,” and inserting the words “voting for and against such amendment or amendments.”

Under the operation of the previous question,
The question was put, “shall the amendment to the amendment be agreed to?”

And passed in the negative;	{ Ayes 30
	{ Noes 31
The ayes and noes being demanded by Messrs. Polk and Leslie,	

Those who voted in the affirmative are,

Messrs. Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brook-
ing, Bunch, Campbell, Coalter, Davis, Ewing, Farquhar, Forshey,
Foster, Gentry, Hickman, Hunt, Hyatt, Leslie, Pipkin, Polk, Shields,
Simpson, Stewart, Stone, Thomas, Ward, Wells, Wright, and Young.

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Brown, Finch, Fulkerson, Green,
Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph,
James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kin-
cheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves,
Nickel, Pannell, Porter, Simonds, Slack, Tong, Wilcoxson, Woodson,
and Mr. President.

Absent—Messrs. Gibbony, and Pitt.

Absent, with leave—Mr. Cannon.

Sick — Messrs. Acock and Buford.

Mr. Marmaduke moved to amend the amendment, as amended, by striking out all thereof and inserting the following, to wit:

ARTICLE XII.

Section 1. The Legislatures which may be elected in the years 1850 and 1860, and every ten years thereafter, may submit such amendments to the Constitution of this State, for the consideration of the people thereof, at the next general election thereafter, as they may think proper; which amendments shall be published, at least three months previous to said election, in all the newspapers published in this State.

Section 2. When the poll-books are returned to the officers authorized by law to receive the same, they shall make out and forward to the Secretary of State, within five days after they have received said poll-books, an abstract of all the votes given for and against said amendments, in their respective counties, cities, or districts, in the same manner as the votes for Governor are returned.

Section 3. The Secretary of State shall, as soon as he receives said returns, make out and deliver to the Governor a complete abstract of the votes so given for and against said amendments; and if a majority of all the votes given, shall be in favor of any one or more of said amendments, the Governor shall immediately issue his proclamation, declaring the said amendments, so ratified, a part of the Constitution of this State, from and after the date of said proclamation.

The previous question was demnuded;

And under its operation,

The question was put, "shall the amendment to the amendment be agreed to?"

And passed in the negative;	{ Ayes 23
	{ Noes 35

The ayes and noes being demanded by Messrs. Marmaduke and Massey,

Those who voted in the affirmative are,

Messrs. Bassett, Bevitt, Brooking, Brown, Bunch, Finch, Fulkerson, Hunter, James, Jones of Newton, Jones of Scotland, Marmaduke, McHenry, Mitchell, Morrow, Neaves, Polk, Shields, Simpson, Slack, Thomas, Tong, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Applegate, Branstetter, Broadhead, Campbell, Davis, Ewing, Foster, Gentry, Green, Griffin, Hickman, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Kincheloe, Leslie, Massey, Nickel, Pannell, Pipkin, Pitt, Porter, Simonds, Stewart, Stone, Ward, Wells, Wilcoxson, Woodson, Wright, and Young.

Absent—Messrs. Coalter, Farquhar, Forshey, Gibbony, and Horine.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, and Buford.

Mr. Brown moved to amend the amendment, as amended, by adding thereto the following, to wit:

"This section shall not be in force after six years from the adoption of this Constitution."

Which was rejected.

Mr. Woodson moved to amend the amendment, as amended, by adding the following sections:

Section 2. The General Assembly may, at any time, by law, provide that a poll be opened at the next general election thereafter, for the purpose of taking the sense of the people of this State upon the expediency of calling a Convention to alter, amend, or make a new Constitution of this State; and if a majority of all the qualified electors of the State vote for the call of a Convention, such Convention shall be called.

Section 3. All conventions to alter, amend, or make a new Constitution, shall be composed of such number of delegates as may be provided by law, to be elected by the qualified electors of the State; and any person entitled to fill any of the offices of this State shall be eligible to such Conventions.

Section 4. The General Assembly, in case the majority of the qualified electors vote for the call of a Convention, shall, at their session next after the vote so given, provide for the election of delegates to, and the meeting of such Convention, and shall also provide for submitting the amendments, alterations, or new Constitution, which such Convention may make, to the people at the next general election thereafter: and if a majority of the qualified electors of the State vote in favor of such amendments, alteration, or new Constitution, the same shall be the supreme law of the land, and shall be so declared, in such manner as the General Assembly may provide."

The previous question was demanded;

And, under its operation,

The question was put, "shall the amendment to the amendment be agreed to?"

And passed in the negative,

{ Ayes 14
Noes 44

The ayes and noes being demanded by Messrs. Woodson and Stone,

Those who voted in the affirmative are,

Messrs. Applegate, Bunch, Campbell, Ewing, Finch, Griffin, Hunter, James, Jones of Newton, McHenry, Porter, Stone, Tong, and Woodson.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bassett, Bevitt, Branstetter, Broadhead, Brooking, Brown, Davis, Forshey, Foster, Fulkerson, Gentry, Green, Hickman, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Ward, Wells, Wilcoxson, Wright, Young, and Mr. President.

Absent—Messrs. Coalter, Farquhar, Gibbony, Horine, and Mitchell.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Buford.

Mr. Jones of Franklin moved to amend the amendment, as amended, as follows:

Strike out all between the word "election," in the seventeenth line, and the word "State," in the twentieth line.

Which was agreed to.

On motion of Mr. Griffin,

The question was now put, "shall the amendment, as amended, be agreed to?"

And passed in the affirmative;	{	Ayes	45
		Noes	14

The ayes and noes being demanded by Messrs. Wells and Bassett,

Those who voted in the affirmative are,

Messrs. Alexander, Bevitt, Branstetter, Broadhead, Brooking, Bunch, Davis, Farquhar, Finch, Forshey, Fulkerson, Green, Griffin, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Morrow, Neaves, Nickel, Pannell, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Applegate, Bassett, Campbell, Ewing, Foster, Gentry, Gibbony, Hickman, Hunt, Pipkin, Wells, Wright, and Young.

Absent—Messrs. Brown, Coalter, Horine, and Mitchell.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Buford.

And so it was ordered that Article XII be stricken out, and that the said amendment, as amended, be substituted in lieu thereof.

Article XII was then ordered to be engrossed and read a third time.

And thereupon,

The Convention adjourned.

WEDNESDAY MORNING, JANUARY 7.

On motion of Mr. Jones of Franklin,
The reading of the Journal of yesterday was dispensed with.

On motion of Mr. Polk,

A call of the Convention was ordered.

And, the roll being called,

The following members were noted as being absent, to wit:

Messrs. Applegate, Bassett, Bevitt, Coalter, Davis, Horine, Leslie, Massey, Morrow, Neaves, Pitt, Stewart, Wells, and Wright.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock and Farquhar.

On motion of Mr. Marmaduke,

All proceedings under the call were dispensed with.

On motion of Mr. Polk,

Article VII was taken up and read a second time.

Mr. James moved to amend by striking out Article VII and inserting the following, by way of substitute, to wit:

ARTICLE VII.

Of Internal Improvement.

Internal Improvement shall forever be encouraged by the Government of this State; and it shall be the duty of the General Assembly, as soon as may be, to make provision, by law, for ascertaining the most proper objects of improvement, in relation both to roads and navigable waters; and it shall also be their duty to provide by law for a systematic and economical application of the funds appropriated to those objects.

Which was read twice.

The question was divided,

And under the operation of the previous question,

Was put first 'Shall the Article be stricken out?'

And passed in the affirmative,

{ Ayes 37

{ Noes 22

The ayes and noes being demanded by Messrs. James and Ward,

Those who voted in the affirmative, are,

Messrs. Applegate, Branstetter, Broadhead, Buford, Coalter, Davis, Forshey, Fulkerson, Gibbony, Green, Griffin, Hickman, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Frank-

lin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Neaves, Nickel, Pannell, Pipkin, Porter, Simpson, Stewart, Stone, Tong, Ward, Wells, Woodson, and Young.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Brooking, Brown, Bunch, Campbell, Ewing, Finch, Foster, Gentry, Hyatt, Marmaduke, McHenry, Morrow, Pitt, Polk, Shields, Slack, Thomas, Wilcoxson, Wright, and Mr. President.

Absent—Messrs. Bassett, Bevitt, and Mitchell.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Farquhar and Simonds.

The main question was put, secondly, "Shall the substitute be inserted?"

And passed in the negative,	{	Ayes.....	10
		Noes.....	49

The ayes and noes being demanded by Messrs. James and Ward,

Those who voted in the affirmative, are,

Messrs. Buford, Gibbony, Hunter, Hyatt, Jackson of Randolph, James, Jones of Newton, Neaves, Porter, and Wilcoxson.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Applegate, Branstetter, Broadhead, Brooking, Brown, Bunch, Campbell, Coalter, Davis, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Green, Griffin, Hickman, Horine, Hunt, Jackson of Howard, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Morrow, Nickel, Pannell, Pipkin, Pitt, Polk, Shields, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Woodson, Wright, Young, and Mr. President.

Absent—Messrs. Bassett, Bevitt and Mitchell.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, Farquhar, and Simonds.

The Convention now adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Wright offered the following proposition as

ARTICLE VII.

Internal Improvement shall forever be encouraged in this State. The General Assembly shall have no power to make a distribution of any Internal Improvement Fund; and every appropriation of such fund, shall be for an ascertained specific object of Internal Improvement.

Which was read twice.

The previous question was moved by Mr. Stone, was demanded, put, and carried in the affirmative.

Whereupon,

Mr. Jackson of Randolph, moved a call of the Convention.

And the question was put, "shall there be a call?"

And passed in the negative.

The main question was then put, to wit: "Shall the Proposition be agreed to?"

And passed in the negative,	{ Ayes 20
	{ Noes 37

The ayes and noes being demanded by Messrs. James and Wright,

Those who voted in the affirmative are,

Messrs. Anderson, Brooking, Brown, Campbell, Ewing, Finch, Foster, Gentry, Hunt, Hyatt, Leslie, Marmaduke, McHenry, Morrow, Polk, Shields, Slack, Thomas, Wright, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Applegate, Bevitt, Broadhead, Buford, Bunch, Davis, Forshey, Fulkerson, Green, Griffin, Hickman, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Mitchell, Neaves, Nickel, Pannell, Pipkin, Porter, Simpson, Stone, Tong, Ward, Wells, Wilcoxson, Woodson, and Young.

Absent—Messrs. Coalter, Gibbony, Pitt and Stewart.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, Bassett, Farquhar, and Simonds.

On motion,

Article VIII was taken up for a third reading.

Section 1 was read.

Mr. Anderson moved to amend by ryder, as follows:

Strike out section 1 and insert the following, to wit:

Section 1. The General Assembly shall have power, whenever demanded by a majority of the people of the State, to create as many Banks and corporations as the public interest may require, with such restrictions and limitations of power, as may, in their judgment, be just, proper, and beneficial.

Which was read.

And thereupon,

A motion was made by Mr. Jones of Newton, "That the ryder be indefinitely postponed?"

And, under the operation of the previous question,

The question was put, "Shall the ryder be indefinitely postponed?"

And passed in the affirmative, { Ayes 40

{ Noes 18

The ayes and noes being demanded by Messrs. Anderson and Ewing,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bevitt, Branstetter, Brown, Buford, Davis, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simpson, Slack, Tong, Wells, Wilcoxson, and Mr. President.

Those who voted in the negative, are

Messrs. Anderson, Broadhead, Brooking, Bunch, Campbell, Ewing, Forshey, Foster, Gentry, Hickman, Hyatt, Pitt, Stone, Thomas, Ward, Woodson, Wright, and Young.

Absent—Messrs. Coalter, Gibbony, and Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Bassett, Farquhar, and Simonds.

Mr. Wells moved to amend, by ryder, as follows:

Strike out the eighth Article, and insert the following, to wit:

"The General Assembly shall have no power to create, renew, or establish, in this State, any corporation with the privilege of making, issuing, or putting in circulation any bill, check, ticket, certificate, promissory note, or other paper or the paper of any other Bank to circulate as money, until,

First, The act creating, renewing, or establishing such corporation, shall have been published in ——— newspapers printed

in this State for ——— months last preceding the next general election following the passage of said act.

Second, Till the qualified electors of the State shall have had a fair opportunity of voting *for* and *against* the creation, establishment, or renewal of such corporation, disconnected from any other question, at a general election.

Third, Till a majority of the voters voting at such general election, shall have voted for the creation, establishment, or renewal of such corporation.

Which was read.

And thereupon,

Mr. Jones moved that the ryder be indefinitely postponed.

And, under the operation of the previous question,

The question was put "Shall the ryder be indefinitely postponed?"

And passed in the affirmative, { Ayes 33

{ Noes 26

The ayes and noes being demanded by Messrs. Wells and Brooking,

Those who voted in the affirmative are,

Messrs. Alexander, Bevitt, Brown, Buford, Davis, Finch, Fulkerson, Green, Griffin, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Polk, Shields, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Applegate, Branstetter, Broadhead, Brooking, Bunch, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hickman, Horine, Hyatt, Kincheloe, Pitt, Porter, Simpson, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Gibbony and Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Bassett, Farquhar, and Simonds.

A motion was then made by Mr. Stone, "that Section 2 be now taken up and read."

And, under the operation of the previous question,

The question was put,

And passed in the affirmative.

Section 2 was then read.

Mr. Leslie moved to amend by ryder, as follows:

Strike out all after the word "Assembly" in the third line, to the word "nor" in the sixth line.

Which was read three times.

The question was put, "shall the ryder be adopted?"

And passed in the negative,

{ Ayes 28
 { Noes 31

The ayes and noes being demanded by Messrs. Jones of Newton and Slack,

Those who voted in the affirmative are,

Messrs. Anderson, Broadhead, Brooking, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Green, Hickman, Hyatt, Jackson of Howard, Leslie, Neaves, Polk, Shields, Simpson, Stone, Thomas, Ward, Wells, Wilcoxson, Woodson, Wright, and Young.

Those who voted in the negative are,

Messrs. Alexander, Applegate, Bevitt, Branstetter, Brown, Buford, Bunch, Davis, Gibbony, Griffin, Horine, Hunt, Hunter, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Nickel, Pannell, Pipkin, Pitt, Porter, Slack, Tong, and Mr. President.

Absent—Messrs. Morrow and Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Bassett, Farquhar and Simonds.

On motion of Mr. Coalter,
 Section 3 was taken up and read.

Mr. Brown moved to amend, by ryder, as follows:

Add to the end of Section 3, the following:

"No lottery shall be authorized by this State; and the buying or selling of lottery tickets within this State is prohibited."

Which was read three times and adopted.

Section 4 was read.

Mr. Campbell moved to amend, by ryder, as follows:

Add to the end of Section 4, the following:

"And provision shall be made to enable the private stockholders to have a voice in the election of Presidents of the Bank and branches, in proportion to the amount of stock owned by them; and when all of the stock of the State shall be sold, the Presidents of the Bank and branches shall be elected by the private stockholders."

Which was read three times and adopted.

Mr. Polk moved "that the vote of to-day, postponing indefinitely the substitute moved by Mr. Wells to Article VIII, be reconsidered?"

And the question was put,

And passed in the affirmative.

Mr. Wells now modified said substitute, so as to render it a substitute for Section 1.

And then the question was again put "Shall the substitute be indefinitely postponed?"

And passed in the affirmative,	{	Ayes	30
		Noes	29

The ayes and noes being demanded by Messrs. Jones of Newton and Alexander,

Those who voted in the affirmative, are,

Messrs. Alexander, Bevitt, Brown, Buford, Davis, Finch, Fulkerson, Gibbony, Green, Griffin, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Pipkin, Shields, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Applegate, Branstetter, Broadhead, Brooking, Bunch, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hickman, Horine, Hyatt, Kincheloe, Leslie, Marmaduke, Pitt, Polk, Porter, Simpson, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Morrow and Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Bassett, Farquhar and Simonds.

The question was now on the adoption of the Article;
And the previous question was demanded, put, and carried in the affirmative.

Whereupon,

Mr. Massey moved a call of the Convention.

And the question was put, "shall there be a call?"

And passed in the affirmative.

The roll was then called.

And the following members were noted as being absent, to wit:

Absent—Messrs. Morrow and Stewart.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Bassett, Farquhar and Simonds.

The Door-keeper was sent for the absentees.

Messrs. Morrow and Stewart appeared; whereupon,

Whereupon,

On motion of Mr. Ward,

All further proceedings under the call were dispensed with.

The main question was then put, to wit: "Shall Article VIII, as amended, be adopted?"

And passed in the affirmative;	{	Ayes	33
		Noes	28

The ayes and noes being demanded by Messrs. Thomas and Hyatt,

Those who voted in the affirmative are,

Messrs. Bevitt, Brown, Buford, Coalter, Davis, Finch, Fulkerson, Green, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Applegate, Branstetter, Broadhead, Brooking, Bunch, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Hickman, Horine, Hyatt, Kincheloe, Leslie, Pitt, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Bassett, Farquhar, and Simonds.

On motion,

Article VI was taken up for a third reading.

Section 1 was read.

Mr. McHenry moved to amend by ryder, as follows:

Strike out Article VI, and insert in lieu thereof the following, to wit:

ARTICLE VI.

Section 1. Schools, and the means of Education, shall be forever encouraged in this State; and the General Assembly shall take measures to preserve, from waste or damage, such lands as have been, or hereafter may be granted by the United States for the use of schools within each township in this State, and shall apply the funds which may arise by sale, or otherwise, from such lands, in strict conformity to the object of the grant. One school or more shall be established in each township, as soon as practicable and necessary, where the children shall be taught gratis.

Section 2. The General Assembly shall take measures for the improvement of such lands, as have been, or hereafter may be granted by the United States to this State, for the support of a seminary of learning, and the funds accruing from such lands by rent or lease, or in any other manner, or which may be obtained from any other source for the

purposes aforesaid, shall be and remain a permanent fund to support a University for the promotion of literature and of the arts and sciences; and it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement of said lands, and for the improvement and permanent security of the funds and endowments of such institutions.

Which was read, and objected to.

And thereupon;

The question was put, "shall the ryder be rejected?"

It passed in the affirmative.

Mr. Coalter, by leave, introduced the following resolution:

Resolved, That the Revising committee be authorized to employ a clerk.

And the question was put, "shall the resolution be agreed to?"

And passed in the affirmative,	{ Ayes 26
	{ Noes 19

The ayes and noes being demanded by Messrs. Massey and Jackson of Randolph,

Those who voted in the affirmative, are,

Messrs. Anderson, Bevitt, Broadhead, Campbell, Coalter, Ewing, Forshey, Foster, Gibbony, Green, Griffin, Hunt, Hunter, Hyatt, Jones of Newton, Marmaduke, Morrow, Pipkin, Polk, Shields, Stone, Thomas, Tong, Wells, Woodson, and Mr. President.

These who voted in the negative, are,

Messrs. Alexander, Brooking, Buford, Fulkerson, Gentry, Hickman, Jackson of Howard, Jackson of Randolph, James, Kincheloe, Massey, McHenry, Mitchell, Nickel, Pannell, Pitt, Simpson, Slack, and Wilcoxson,

Absent—Messrs. Applegate, Branstetter, Brown, Bunch, Davis, Finch, Horine, Jones of Franklin, Jones of Scotland, Leslie, Neaves, Porter, Stewart, Ward, Wright, and Young.

Absent, with leave—Mr. Cannon.

Sick—Messrs. Acock, Bassett, Farquhar and Simonds.

The Convention then adjourned.

THURSDAY MORNING, JANUARY 8.

Mr. Fulkerson, by leave, changed his vote of yesterday on the question "shall the ryder—moved by Mr. Leslie to section 2, Article VIII—be adopted?" On which question he now votes in the negative.

Mr. Campbell moved to amend the Rules of the Convention by adding thereto the three following sections:

§ —. When any Article shall be reported by the Revising Committee, it shall be read for information, (unless the reading be dispensed with.) If any amendments be reported by the committee, the question shall be "Shall the amendments be agreed to?" If the amendments be disposed of, or if no amendment be reported, the Article shall be ordered to a final reading, to take place on the next day; and upon the final reading, the question shall be, "Shall the Article be enrolled as a part of the Constitution?" and if decided in the affirmative, it shall be referred to the Enrolling committee without a question.

§ —. No amendment proposed after an Article shall be reported by the Revising Committee, shall be adopted, unless the same shall receive the votes of a majority of all the members elected to the Convention; and if any amendment, thus proposed, be adopted, the Article shall be referred back to the Revising committee; to be again acted on and reported by them. All amendments after the report, shall be treated as ryders.

§ —. The whole Constitution shall be carefully enrolled, under the supervision of the Enrolling committee, and when the same shall be reported by the committee as truly enrolled, the question shall be "Shall this Constitution be finally adopted?" And if a majority of the members present shall vote in favor of the final adoption of the Constitution, the same shall be authenticated by the signatures of the President and members of the Convention present, and shall be attested by the Secretaries of the Convention.

Which amendment was agreed to.

Mr. Pitt moved to take up from the table the resolution (introduced by him on Tuesday, the thirtieth December last) in relation to the competency of the people "to judge of their political affairs, and particularly to determine whether or not they will have a bank, with discounting privileges, created; and that it is the further sense of this Convention that those who follow the present generation will be capable of self-government."

The previous question was moved by Mr. Ewing, and was demanded. And, under its operation,

The question was put, "shall the resolution be taken up from the table?"

And passed in the negative.

{	Ayes	22
	Noes	37

The ayes and noes being demanded by Messrs. Pitt and Gentry,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Applegate, Bassett, Broadhead, Brook-
ing, Buford, Campbell, Ewing, Forshey, Foster, Gentry, Gibbon,
Hickman, Hyatt, Pitt, Simpson, Stone, Ward, Woodson, Wright, and
Young.

Those who voted in the negative, are,

Messrs. Bevitt, Branstetter, Brown, Bunch, Davis, Farquhar, Finch,
Fulkerson, Horine, Hunt, Hunter, Jackson of Howard, Jackson of
Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe,
Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel,
Pannell, Pipkin, Polk, Porter, Shields, Simonds, Slack, Stewart, Tho-
mas, Tong, Wells, Wilcoxson, and Mr. President.

Absent—Messrs. Coalter, and Griffin.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Green, Jones of Newton, and Neaves.

Mr. Campbell moved the following resolution, to wit:

Resolved, That a copy of each Article of the Constitution, as report-
ed by the Engrossing committee, shall be inserted in the appendix to
the journals of the Convention.

Which was agreed to.

Mr. Shields moved the following resolution, to wit:

Resolved, That the sum of ——— dollars per day be allowed to the
assistant clerks for their services.

On motion of Mr. Thomas,

The blank in the foregoing resolution was filled with the word "three."

Which was agreed to,

And the resolution, as filled up, was then adopted.

Mr. Shields, from the select committee to which was referred "An
Ordinance;" reported back the same, with the following amendments
thereto, to wit:

Amend section 2, by inserting in the fourth line, between the words
"them" and "in," the words

"In the Hall of the House of Representatives, and."

Amend section 3 by filling the blank with the words "first Monday of
September." And strike out, in the ninth and tenth lines, the words

"Governor and Lieutenant Governor."

Amend section 4, by striking out all that relates to the Governor and
Lieutenant Governor.

On motion of Mr. Shields,

Ordered, That the Ordinance and the report do lie on the table.

Mr. Thomas moved the following resolution, to wit:

Resolved, That this Convention, fully believing that great and radical changes in fundamental law, are at all times injurious, unless such changes are obviously demanded by the necessities of the community; and further, believing that such necessity does not now exist,

Therefore, We, the members of the Convention, do now agree to strike out the third Article in the present Constitution and to insert the corresponding Article agreed on by this Convention, and in all other things to adopt the present Constitution as it now is—except that, as soon as may be, the State shall dissolve all connection with the Bank, and that such connection shall be forever hereafter prohibited.

Which was read and objected to;

And thereupon, under the operation of the previous question,

The question was put, "shall the resolution be rejected?"

Ayes.....45

And passed in the affirmative.

Noes.....15

The ayes and noes being demanded by Messrs. Hyatt and James,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bassett, Bevitt, Branstetter, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Tong, Ward, Wells, Wilcoxson, Woodson, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Broadhead, Brooking, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Hickman, Hyatt, Pitt, Thomas, Wright, and Young.

Absent—Mr. Griffin.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Green, Jones of Newton, and Neaves.

On motion,

The Convention resumed the consideration of Article VI.

Section 1 having been read yesterday,

Mr. Leslie moved to amend the same by adding thereto the following, to wit:

"But no lands which have been or hereafter may be granted by the United States to this State, for the use of Schools, shall hereafter be granted, bargained or sold, in fee simple."

Which was read, and objected to.

And thereupon, under the operation of the previous question,
The question was put, "shall the amendment be rejected?"

And passed in the affirmative;

{ Ayes 46
{ Noes 13

The ayes and noes being demanded by Messrs. McHenry and Finch,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bassett, Branstetter, Broadhead, Brook-
ing, Brown, Buford, Bunch, Coalter, Davis, Ewing, Farquhar, Finch, For-
shey, Fulkerson, Gentry, Gibbony, Hickman, Hunt, Hunter, Hyatt, Jack-
son of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of
Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Nickel,
Pannell, Shields, Simpson, Slack, Stewart, Stone, Thomas, Ward, Wells,
Wilcoxson, Woodson, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Applegate, Bevitt, Campbell, Foster, Horine, Leslie, Morrow,
Pipkin, Pitt, Polk, Porter, Simonds, and Wright.

Absent—Messrs. Griffin, and Tong.

Absent with leave—Mr. Cannon.

Sick—Messrs. Acock, Green, Jones of Newton, and Neaves.

The previous question was now moved by Mr. Wells; but was not
demanded.

Whereupon,

Mr. Massey moved to amend section 1, by inserting between the
words "arise" and "from," the words "by sale or otherwise."

Which was read, and objected to.

And thereupon,

The question was put, "shall the amendment be rejected?"

And passed in the negative.

The amendment was then read a second time and agreed to.

Section 1, as amended, was then agreed to.

Section 2 was then read and agreed to.

Section 3 was read. And,

Mr. Thomas moved to amend the same, as follows:

After the word "Legislature," in the first line, strike out the word
"shall," and insert the word "may."

Which was read, and objected to.

And the question was on the rejection thereof,

When the Convention adjourned until 3 o'clock, P. M.

EVENING SESSION.

On motion of Mr. Ward,

Leave of absence was granted to Mr. Branstetter.

The question recurred on the rejection of Mr. Thomas' amendment to section 3.

And under the operation of the previous question,

It was put, to wit: "Shall the amendment be rejected?"

And passed in the affirmative;	{	Ayes	29
		Noes	26

The ayes and noes being demanded by Messrs. Stone and Bevitt,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Hickman, Hunt, Hunter, Jackson of Randolph, Leslie, Marmaduke, Pannell, Pipkin, Pitt, Polk, Simonds, Slack, Stone, Ward, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Bassett, Brooking, Brown, Buford, Gentry, Griffin, Hyatt, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Nickel, Porter, Shields, Simpson, Stewart, Thomas, Tong, Wells, and Wilcoxson.

Absent—Messrs. Bunch, Coalter, Finch, Gibbony, Horine, and Morrow.

Absent, with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, Green, and Neaves.

Mr. Hunt moved to amend section 3, by adding at the end thereof the following, to wit:

"And in such schools, the English language shall be taught, and all instruction shall be given in that language."

Which was read twice and agreed to.

Mr. James moved to amend section 3, by adding thereto the following, to wit:

"Provided, That the provisions of this section shall not be carried into effect until the Common School and Seminary Funds are withdrawn from the Bank of Missouri and branches."

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, "shall the amendment be rejected?"

And passed in the affirmative,

{ Ayes 38
 { Noes 18

The ayes and noes being demanded by Messrs. James and McHenry,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Brooking, Brown, Campbell, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Gentry, Hickman, Hunt, Hunter, Hyatt, Jackson of Randolph, Kincheloe, Leslie, Marmaduke, Pannell, Pipkin, Pitt, Polk, Simonds, Slack, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Bassett, Buford, Fulkerson, Griffin, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Massey, McHenry, Mitchell, Nickel, Porter, Shields, Simpson, and Stewart.

Absent—Messrs. Bunch, Finch, Gibbony, Horine, and Morrow.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, Green, and Neaves.

Mr. James moved to amend section 3, by striking out the following words, in the second line, to wit:

"And by capitation tax or otherwise."

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, "Shall the amendment be rejected?"

And passed in the affirmative,

{ Ayes 43
 { Noes 13

The ayes and noes being demanded by Messrs James and Bassett,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Brooking, Brown, Campbell, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gentry, Hickman, Hunt, Hunter, Hyatt, Jackson of Randolph, Jones of Newton, Kincheloe, Leslie, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Bassett, Buford, Griffin, Jackson of Howard,

James, Jones of Franklin, Jones of Scotland, Marmaduke, Massey, McHenry, Mitchell, and Stewart.

Absent—Messrs. Bunch, Finch, Gibbony, Horine, and Morrow.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, Green, and Neaves.

Mr. Jackson of Howard moved to amend section 3, by striking out the word "shall," in the second line, and inserting the word "may."

Which was read, and objected to.

And thereupon,

The question was put, "Shall the amendment be rejected?"

And passed in the affirmative,	{	Ayes	33
		Noes	26

The ayes and noes being demanded by Messrs. Massey and James,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Brooking, Brown, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Hickman, Horine, Hunt, Hunter, Hyatt, Leslie, Marmaduke, Pannell, Pipkin, Pitt, Polk, Simonds, Slack, Stone, Tong, Ward, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Bassett, Buford, Finch, Gentry, Gibbony, Griffin, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Porter, Shields, Simpson, Stewart, Thomas, and Wilcoxson.

Absent—Messrs. Bunch, Coalter, and Wells.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, and Green.

The question was now, "shall section 3, as amended, be agreed to?"

And, under the operation of the previous question,

It was put,

And passed in the affirmative,	{	Ayes	37
		Noes	22

The ayes and noes being demanded by Messrs. McHenry and Broadhead,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Brooking, Brown, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Hickman, Horine, Hunt, Hunter, Hyatt, Jones of Newton, Leslie, Marmaduke, Nickel, Pannell, Pipkin, Pitt, Polk, Simonds, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Bassett, Buford, Finch, Gentry, Gibbony, Griffin, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Massey, McHenry, Mitchell, Morrow, Neaves, Porter, Shields, Simpson, and Stewart.

Absent—Messrs. Bunch, Coalter, and Wells.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Green.

Section 4 was then read by subdivisions.

The first, second and third subdivisions were agreed to.

Mr. McHenry moved to amend the fourth subdivision by striking out all thereof.

Which was read and objected to.

And thereupon,

The question was put, "shall the amendment be rejected?"

And passed in the affirmative;	{ Ayes 44
	{ Noes 15

The ayes and noes being demanded by Messrs. McHenry and James,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Applegate, Bevitt, Broadhead, Brown, Buford, Campbell, Coalter, Ewing, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Neaves, Nickel, Pannell, Pipkin, Polk, Simonds, Simpson, Stewart, Stone, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Bassett, Brooking, Gibbony, Griffin, James, Jones of Newton, Marmaduke, Massey, McHenry, Morrow, Pitt, Porter, Shields, Slack, and Thomas.

Absent—Messrs. Bunch, and Mitchell.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock and Green.

Mr. Jackson of Randolph moved to amend the fourth subdivision of the fourth section, by adding, at the end thereof, the following, to wit:

“And *provided further*, That the interest which may arise from the fund in this subdivision mentioned, shall be appropriated among the several counties in this State, share and share alike.”

Which was read, and objected to.

And thereupon,

The question was put “Shall the amendment be rejected?”

And passed in the negative;	{	Ayes	25
		Noes	34

The ayes and noes being demanded by Messrs. Marmaduke and Thomas,

Those who voted in the affirmative, are,

Messrs. Anderson, Bassett, Bevitt, Broadhead, Brooking, Coalter, Ewing, Farquhar, Finch, Forshey, Foster, Gentry, Griffin, Hickman, Hyatt, Jackson of Howard, Jones of Franklin, Marmaduke, Pitt, Polk, Simpson, Stewart, Thomas, Ward, and Wells,

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Brown, Buford, Campbell, Fulkerson, Gibbony, Horine, Hunt, Hunter, Jackson of Randolph, James, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Slack, Stone, Tong, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Absent—Messrs. Bunch, Davis, and Mitchell.

Absent, with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock and Green.

The amendment was then read a second time and agreed to.

Mr. Stone moved to amend the last paragraph of the fourth section, by inserting the words “at least” before the words “six per centum.”

Which was read twice and agreed to.

Mr. Massey moved to amend the last paragraph of the fourth section by striking out all after the word “fund.”

Which was read, and rejected.

Mr. Wells moved to amend by adding to the end of the the last paragraph of the fourth section, the following, to wit:

"And if any deficiency shall ever occur in this fund, the same shall be replaced by the several counties of this State, share and share alike."

Which was read, and rejected.

The question was now, "shall the fourth section, as amended, be agreed to?"

And, under the operation of the previous question,

It was put,

{ Ayes 37
Noes 21

And passed in the affirmative,

The ayes and noes being demanded by Messrs. Marmaduke and James,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Buford, Campbell, Coalter, Ewing, Farquhar, Forshey, Foster, Fulkerson, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Leslie, Neaves, Nickel, Pannell, Pipkin, Polk, Simonds, Simpson, Stone, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Brooking, Brown, Finch, Gibbony, Griffin, Jackson of Howard, James, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Morrow, Pitt, Porter, Shields, Slack, Stewart, Thomas, and Wells.

Absent—Messrs. Bassett, Bunch, Davis, and Mitchell.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Green.

A motion was now made by Mr. Wilcoxson, "that the Convention do now adjourn."

And the question was put,

And passed in the negative.

Section 5 was then read.

Mr. Stone moved to amend said section by inserting, before the words "six per cent.," the words "at least."

Which was read twice and agree to.

Mr. Morrow moved to amend the fifth section as follows:

Insert between the words "pay" and "an," in the sixth line of the printed copy, the words "after the stock of the Bank of the State of Missouri representing the Seminary Fund in such Bank shall have been

sold, and the proceeds thereof shall be placed in the treasury of the State."

Which was read, and objected to.

And under the operation of the previous question,

The question was put, "shall the amendment be rejected?"

{ Ayes 29

And passed in the affirmative;

{ Noes 23

And the ayes and noes being demanded by Messrs. Stone and James,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Broadhead, Campbell, Ewing, Forshey, Foster, Fulkerson, Gentry, Hickman, Horine, Hunt, Hyatt, Jackson of Randolph, Jones of Scotland, Kincheloe, Leslie, Nickel, Pipkin, Polk, Simonds, Stewart, Stone, Tong, Ward, Wells, Woodson, Wright, and Young.

Those who voted in the negative, are,

Messrs. Alexander, Bevitt, Brooking, Buford, Farquhar, Gibbony, Griffin, Hunter, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Morrow, Pannell, Porter, Shields, Simpson, Slack, Wilcoxson, and Mr. President.

Absent—Messrs. Bassett, Brown, Bunch, Coalter, Davis, Finch, Mitchell, Pitt, and Thomas.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Green, and Neaves.

The question was now, "shall section 5, as amended, be agreed to?"

And, under the operation of the previous question,

It was put,

{ Ayes 31

And passed in the affirmative;

{ Noes 21

The ayes and noes being demanded by Messrs. McHenry and Morrow,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Buford, Campbell, Ewing, Forshey, Foster, Fulkerson, Gentry, Hickman, Horine, Hunt, Hyatt, Jackson of Randolph, Jones of Scotland, Kincheloe, Leslie, Nickel, Pannell, Pipkin, Polk, Simonds, Stone, Tong, Ward, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Brooking, Farquhar, Gibbony, Griffin, Hunter, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Marmaduke, Massey, McHenry, Morrow, Porter, Shields, Simpson, Slack, Stewart, Wells, and Wilcoxson.

Absent—Messrs. Bassett, Brown, Bunch, Coalter, Davis, Finch, Mitchell, Pitt, and Thomas.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, Green, and Neaves.

The question was now on agreeing to Article VI, as amended,
When,

Mr. Jones of Newton moved to amend the same by adding thereto the following section, to wit:

Section 6. It shall be the duty of all parents and guardians to give to all their children and wards, between the ages of six and sixteen years, a competent knowledge of the rudiments of the English language; and the General Assembly shall pass suitable laws to enforce the compliance with this section whenever a failure or refusal may occur.

Which was read and rejected.

The previous question was then demanded.

And, under its operation,

The main question was put, to wit: "Shall Article VI, as amended, be agreed to?"

And passed in the affirmative.

Whereupon,

On motion of Mr. Shields,

Ordered, That Article VI be engrossed for a third reading;

And, that seventy-five copies thereof be printed for the use of the members.

The Convention then adjourned.

FRIDAY MORNING, JANUARY 9.

On motion of Mr. Anderson,

The reading of the Journal was dispensed with.

On motion of Mr. Fulkerson,

Resolved, That John G. Walker be allowed the sum of four dollars and a half per day for his services as assistant secretary to this body.

On motion of Mr. Gentry,

A call of the Convention was ordered;

And, the roll being called,

The following members were noted as absent, to wit:

Messrs. Applegate, Bassett, Broadhead, Hyatt, Jackson of Howard, James, Jones of Scotland, Leslie, Massey, Pipkin, Simpson, Stewart, Ward, Wells, Wright, and Young.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Bunch, Green and Neaves.

On motion of Mr. Finch,

Resolved, That the President appoint a committee of three, with instructions to prepare the necessary Schedule to be attached to the Constitution.

Mr. McHenry moved that the report submitted by the committee on Miscellaneous Provisions, on Friday, December 19, 1845, in relation to the proposed additional Article, introduced on Wednesday, December 3, by Mr. McHenry, be now taken up from the table.

And, under the operation of the previous question,

The question was put, "Shall said report be taken up?"

And passed in the negative.

On motion of Mr. Campbell,

Article II was taken up and read a second time, considered as engrossed, and the rule being suspended, was read a third time, and adopted.

On motion of Mr. Jones of Newton,

Article X was taken up and read a second time.

Whereupon,

The said Article was considered as engrossed, and, the rule being suspended, was read a third time and adopted.

On motion of Mr. Campbell,

The *Preamble* to the Constitution, was taken up, and read a second time.

Mr. Broadhead moved to amend the *Preamble* by striking out all thereof, and inserting the following, to wit:

"We, the people of the State of Missouri, by our delegates, in Convention assembled, do ordain and establish the following Constitution."

Which was objected to.

And the question was put, "Shall the substitute be rejected?"

And passed in the negative.

The substitute was then read a second time, and agreed to.

On motion,

The *Preamble*, as amended, was considered as engrossed, and, the rule being suspended, was read a third time.

Mr. Jones of Newton, moved to amend by rider, as follows:

Insert between the words, "of" and "the" in the first line, the following, to wit:

"Of the free and independent republic."

Which was read and objected to.

Polk, Porter, Simonds, Simpson, Slack, Stewart, Stone, Tong, Wilcoxson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Bassett, Broadhead, Brooking, Campbell, Ewing, Gentry, Hunt, Hyatt, Mitchell, Pitt, Shields, Thomas, Ward, Wells, Woodson, and Young.

Absent—Messrs. Davis and Marmaduke.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Bunch, Green, and Neaves.

A motion was then made by Mr. Jackson of Randolph, that the Convention do adjourn until 2 o'clock.

And the question was put,

And passed in the negative.

The question was now, *secondly*, on the indefinite postponement of sections 5 and 6 of the Ordinance.

When,

On motion of Mr. Hunter,

The said Sections were referred to the select committee on the Schedule.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SESSION.

A motion was made by Mr. Thomas, that the vote of this morning, adopting the resolution of Mr. Fulkerson relating to the compensation of John G. Walker, be reconsidered.

And the question was put "Shall the said vote be reconsidered?"

And passed in the affirmative.

Whereupon,

On motion of Mr. Gentry,

The said resolution was indefinitely postponed.

Mr. Campbell, from the Revising committee, reported back "The Preamble to the Constitution," without amendment.

Whereupon,

The said Preamble was read once,

And the rule being suspended,

It was read finally, and ordered to be enrolled.

Mr. Stone, from the committee on Engrossed Amendments, submitted the following

REPORT:

Mr. President,

The committee on Engrossed amendments have examined the following Articles, and find that the same are correctly engrossed, to wit:

Article XII,

Article VI.

On motion,

The engrossed Article, numbered XII, was taken up and read a third time.

Mr. McHenry moved to amend, by ryder, as follows:

Strike out all of Article XII, and insert the following:

ARTICLE XII.

Mode of Amending the Constitution.

"The General Assembly may, in the year one thousand eight hundred and fifty, and every four years thereafter, propose such amendments to this Constitution, as a majority of all the members elected to each House shall deem expedient; and the vote upon each proposition shall be taken by yeas and nays in each House; and the Governor shall cause the same to be published in at least one newspaper in each county in this State, where a newspaper is published, at least six months before the next general election. And it shall be the duty of the several officers in this State, who shall make out poll-books for the general election for that year, to put in each, two columns, headed one "for" and the other "against" the amendments to the Constitution: and it shall be the duty of the officers conducting said elections, to take the vote of each voter *for* or *against* such amendments, and to have the same recorded in the appropriate columns. When said poll-books are returned to the officers authorized by law to receive them, said officers shall make out and forward to the Secretary of State, within ten days after he receives said poll-books, an abstract of the votes given for and against amendments, together with an abstract of the whole number of votes cast in their respective counties, cities, or districts, in the same manner as the votes for Governor and Lieutenant Governor; and if a majority of all the votes given at said election are in favor of said amendments, the Governor shall issue his proclamation declaring the same to be a part of the Constitution from and after the date of said Proclamation. And each amendment shall be voted on separately."

Which was read, and objected to.

And thereupon,

The question was put, "shall the ryder be rejected?"

And passed in the negative, { Ayes 26
 { Noes 29

The ayes and noes being demanded by Messrs. Jackson of Howard, and James,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Bevitt, Broadhead, Brooking, Buford, Ewing, Forshey, Gentry, Gibbony, Hickman, Hunt, Hunter, Jones of Franklin, Jones of Newton, Leslie, Pipkin, Pitt, Simonds, Simpson, Stewart, Stone, Ward, Wells, Woodson, and Young.

Those who voted in the negative, are,

Messrs. Applegate, Brown, Campbell, Davis, Farquhar, Finch, Foster, Fulkerson, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Polk, Porter, Shields, Slack, Thomas, Tong, Wilcoxson, and Mr. President.

Absent—Messrs. Bassett, Coalter, Jones of Scotland, and Wright.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Bunch, Green, Hyatt and Neaves.

The ryder was then read a second time.

Whereupon,

Mr. Campbell moved to amend the same, as follows:

Insert after the word "given" in the sixth line from the bottom, the words "for or against such amendment."

Which was read three times;

And under the operation of the previous question,

The question was put, "Shall the amendment be agreed to?"

And passed in the affirmative, { Ayes 29
 { Noes 27

The ayes and noes being demanded by Messrs. Hunt and Gentry,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Broadhead, Brooking, Campbell, Coalter, Ewing, Farquhar, Forshey, Foster, Gentry, Gibbony, Hickman, Hunt, Hyatt, Leslie, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, and Young.

Those who voted in the negative, are,

Messrs. Applegate, Bevitt, Brown, Buford, Finch, Fulkerson, Grif-

fin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Porter, Slack, Tong, Wilcoxson, and Mr. President.

Absent—Messrs. Bassett, Davis, Jones of Scotland, and Wright.

Absent, with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, Bunch, Green, and Neaves.

Mr. Anderson moved to amend the ryder as amended, by striking out the words "one thousand eight hundred and fifty," and inserting the words "one thousand eight hundred and forty-eight."

Which was read three times.

And, under the operation of the previous question,

The question was put, "Shall the amendment be rejected?"

And passed in the negative,

{ Ayes	25
{ Noes	32

The ayes and noes being demanded by Messrs. Anderson and Pitt,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Broadhead, Brooking, Brown, Campbell, Ewing, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Massey, Pipkin, Pitt, Polk, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, and Young.

Those who voted in the negative are,

Messrs. Applegate, Bevitt, Buford, Coalter, Davis, Farquhar, Finch, Fulkerson, Gibbony, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe, Leslie, Marmaduke, McHenry, Mitchell, Morrow, Nickel, Pannell, Porter, Shields, Simonds, Slack, Tong, Wilcoxson, and Mr. President.

Absent—Messrs. Bassett, Jones of Scotland, and Wright.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Bunch, Green and Neaves.

The question was now, "shall the ryder, as amended, be read a third time?"

And, under the operation of the previous question,

It was put,

And passed in the affirmative;

{ Ayes 31
 { Noes 26

The ayes and noes being demanded by Messrs. Pitt and Jones of Franklin,

Those who voted in the affirmative, are,

Messrs. Applegate, Bevitt, Broadhead, Brooking, Brown, Coalter, Ewing, Farquhar, Fulkerson, Gentry, Horine, Hunt, Kincheloe, Leslie, Marmaduke, McHenry, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Woodson, and Young.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Buford, Campbell, Davis, Finch, Forshey, Foster, Gibbony, Griffin, Hickman, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Massey, Mitchell, Morrow, Nickel, Pitt, Wells, Wilcoxson, and Mr. President.

Absent—Messrs. Bassett, Jones of Scotland and Wright.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Bunch, Green, and Neaves.

The ryder, as amended, was then read a third time.

And, under the operation of the previous question,

The question was put, "Shall the ryder, as amended, be adopted?"

And passed in the affirmative,

{ Ayes 30
 { Noes 27

The ayes and noes being demanded by Messrs. Jones of Newton and Jones of Franklin,

Those who voted in the affirmative, are,

Messrs. Applegate, Bevitt, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Farquhar, Forshey, Gentry, Horine, Hunt, Hyatt, Leslie, Marmaduke, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Ward, Wells, Woodson, and Young.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Buford, Davis, Finch, Foster, Fulkerson, Gibbony, Griffin, Hickman, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Kincheloe,

Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pitt, Tong, Wilcoxson, and Mr. President,

Absent—Messrs. Bassett, Jones of Scotland, and Wright.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Bunch, Green, and Neaves.

The President appointed the following members as “The committee to prepare the Schedule,” to wit:

Messrs. Finch, Hickman, and Jones of Franklin.

Whereupon,

On motion of Mr. Bevitt,

Resolved, That the committee appointed to prepare a Schedule, be instructed to report to-morrow morning.

Mr. Campbell, from the Revising committee, submitted the following

REPORT:

The Revising committee report back to the Convention,
“An Ordinance proposing to extend the South-Western Boundary of this State,” with the following amendments, to wit:

From the thirteenth line, strike out the words “and Lost Creek.”

Strike out the words between “river,” in the thirty-third line, and the word “so,” in the thirty-fifth line.

Which report was received,

And the amendments were agreed to.

Whereupon,

The Ordinance, as amended, was read for information; and, the rule being suspended,

It was read *finally*, by its title,

And was ordered to be enrolled as a part of the Constitution.

Mr. Campbell, from the Revising committee, reported back Article I, without amendment. Whereupon,

The said Article was read for information.

Mr. Applegate moved to amend, by ryder, as follows:

Strike out all after the word “Missouri,” in the first line of section 4 to the word “is,” in the sixth line, and insert the words “known and designated as the county of Sainte Genevieve.”

Which was read and objected to.

And thereupon,

The question was put, “shall the ryder be rejected?”

And passed in the affirmative,	{ Ayes 34
	{ Noes 26

The ayes and noes being demanded by Messrs. Foster and Ward,

Those who voted in the affirmative are,

Messrs. Anderson, Bevitt, Broadhead, Brooking, Brown, Bunch, Campbell, Davis, Ewing, Forshey, Foster, Gentry, Hickman, Hunt, Hunter, Hyatt, Jones of Newton, Kincheloe, Marmaduke, Massey, Pannell, Pipkin, Pitt, Polk, Porter, Simpson, Slack, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, and Young.

Those who voted in the negative are,

Messrs. Alexander, Applegate, Buford, Coalter, Farquhar, Finch, Fulkerson, Gibbony, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Leslie, McHenry, Mitchell, Morrow, Neaves, Nickel, Shields, Simonds, Stewart, Tong, and Mr. President.

Absent—Messrs. Bassett, and Wright.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Green.

Mr. Coalter moved to amend, by ryder, as follows:

Strike out the fourth section of the first Article.

Which was read, and objected to. And thereupon,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative,	{ Ayes	31
	{ Noes	28

The ayes and noes being demanded by Messrs. Jackson of Howard and Coalter,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Brooking, Brown, Campbell, Davis, Ewing, Forshey, Foster, Gibbony, Hickman, Horne, Hunter, Hyatt, James, Jones of Newton, Kincheloe, Marmaduke, Massey, Pitt, Simonds, Slack, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, and Young.

Those who voted in the negative, are,

Messrs. Alexander, Buford, Bunch, Coalter, Farquhar, Finch, Fulkerson, Gentry, Griffin, Hunt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Leslie, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simpson, Woodson, and Mr. President.

Absent—Messrs. Bassett, Stewart, and Wright.

Absent with leave—Messrs. Branstetter and Cannon,
Sick—Messrs. Acock, and Green.

No other amendments were offered. And thereupon,
The rule was suspended,
And Article I was read *finally*,
And was ordered to be enrolled as a part of the Constitution.
Mr. Campbell, from the Revising committee, reported back, without
amendmen., Article II.

Which was read for information; and the rule being suspended,
It was read finally,
And ordered to be enrolled as a part of the Constitution.
On motion of Mr. Applegate,
Messrs. Shields and Campbell were added to the committee on the
Schedule,

On motion of Mr. Coalter,
The engrossed Article numbered VI, was taken up for a third read-
ing.

Sections 1, 2, and 3 were read.

Mr. Massey moved to amend by ryder, as follows:

Strike out the word "shall," in the second line of section 3, and in-
sert the word "may."

Which was read and objected to.

And, under the operation of the previous question,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative, { Ayes, ... 34

{ Noes, ... 26

The ayes and noes being demanded by Messrs. Massey and Gentry,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Brown, Campbell,
Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Hickman, Ho-
rine, Hunt, Hunter, Hyatt, Jones of Scotland, Leslie, Marmaduke,
Nickel, Pannell, Pipkin, Polk, Simonds, Slack, Stone, Thomas, Tong,
Ward, Wilcoxson, Woodson, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Brooking, Buford, Bunch, Coalter, Finch, Gentry,
Gibbony, Griffin, Jackson of Howard, Jackson of Randolph, James,
Jones of Franklin, Jones of Newton, Kincheloe, Massey, McHenry,
Mitchell, Morrow, Neaves, Pitt, Porter, Shields, Simpson, Stewart,
and Wells.

Absent—Messrs. Bassett, and Wright.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Green.

The first subdivision of Section 4 was then read; and,

On motion,

Was passed over for the present.

The second, third, and fourth subdivisions were then read.

Mr. Shields moved to amend, by ryder, as follows:

Strike out the fourth subdivision.

Which was read and objected to.

And thereupon,

And the question was put, "shall the ryder be rejected?"

And passed in the affirmative.	{	Ayes	41
		Noes	18

The ayes and noes being demanded by Messrs. Brooking and Marmaduke,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Applegate, Bevitt, Broadhead, Buford, Davis, Ewing, Farquhar, Forshey, Fulkerson, Gentry, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Massey, Mitchell, Neaves, Nickel, Pannell, Pipkin, Polk, Simonds, Simpson, Stewart, Stone, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Brooking, Brown, Bunch, Campbell, Finch, Foster, Gibbony, Griffin, James, Jones of Newton, Marmaduke, McHenry, Morrow, Pitt, Porter, Shields, Slack, and Thomas.

Absent—Messrs. Bassett, Coalter, and Wells.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock and Green.

Mr. Hickman moved to amend, by ryder, as follows:

After the word "be," in the fourth subdivision, insert the word "annually." And after the word "schools," in the next line, add the words "and, if not expended, shall be added to and become a part of the principal."

Which was read three times, and agreed to.

Mr. Brown moved to amend by ryder, as follows:

Strike out all after the word "State," in the fifth line, and insert the following, to wit:

"Agreeably to the free white children in each, between the age of _____ and _____ years of age."

Which was read, and rejected.

Mr. Jones of Franklin moved to amend by ryder, as follows:

Strike out all after the fifth line of the fourth subdivision, and insert the following, to wit:

And this appropriation shall be held by the State, and shall be and remain a permanent fund; and the interest which may be actually derived from said fund, shall be appropriated to the support of such schools; and this appropriation shall remain inviolable."

Which was read and rejected.

The first subdivision was now recurred to.

Mr. Polk moved to amend by ryder, as follows:

In the first clause of section 4, insert the words, "which have been, or," after the word "lands," in the second line:

And add to said clause the following, to wit:

"But nothing in this subdivision shall be construed to conflict with the first of the five propositions contained in the act of Congress of the United States approved March the sixth, eighteen hundred and twenty, entitled "An act to authorize the people of Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories."

Which was read; when,

A motion was made by Mr. Simonds "that the Convention do adjourn."

And the question being put,

Passed in the negative.

The ryder was then read a second and third time, and adopted.

Mr. Slack moved to amend, by ryder, as follows:

Add, after the word "appropriation," in the sixth line of the fourth clause of the fourth section, the words "last aforesaid."

Which was read and rejected.

The Convention then adjourned.

SATURDAY MORNING, JANUARY 10.

On motion of Mr. McHenry,

The reading of the Journal of yesterday was dispensed with.

Mr. Jones of Scotland, by leave, introduced "a Memorial on the subject of the admission of Iowa into the Union, and on the Northern boundary of Missouri."

Which was read, and adopted.

A motion was made by Mr. Slack, that the Convention do reconsider the vote of yesterday, adopting the substitute moved by Mr. McHenry to Article XII.

And, under the operation of the previous question,

The question was put, "Shall the said vote be re-considered?"

And passed in the affirmative, { Ayes 35
 { Noes 25
 The ayes and noes being demanded by Messrs. Ewing and Morrow,

Those who voted in the affirmative are,

Messrs. Applegate, Bassett, Bevitt, Brown, Buford, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simpson, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Broadhead, Brooking, Campbell, Ewing, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Leslie, Pipkin, Pitt, Polk, Shields, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Bunch, Coalter and Simonds.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

A motion was then made by Mr. Farquhar, that the Convention do reconsider the vote of yesterday, agreeing to the amendment moved by Mr. Campbell to Mr. McHenry's substitute for Article XII.

On this motion the previous question was moved by Mr. Griffin.

And the question was put, "Shall the previous question be ordered?"

And, two-thirds not voting therefor,

And passed in the negative, { Ayes 39
 { Noes 22

The ayes and noes being demanded by Messrs. Thomas and Anderson,

Those who voted in the affirmative, are,

Messrs. Applegate, Bassett, Bevitt, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simpson, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Broadhead, Brooking, Campbell, Ewing,

Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Leslie, Pitt, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Coalter and Simonds.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

After debate,

Mr. Massey moved the previous question again.

The President decided this motion to be out of order.

Whereupon,

Mr. Massey moved a suspension of the rule.

And, under the operation of the previous question,

The question was put, "Shall the rule be suspended?"

And, two-thirds voting therefor,

It passed in the affirmative.

The rule being now suspended,

The question was put, "Shall the main question be now put?"

And, two-thirds voting therefor,

And passed in the affirmative;	{ Ayes 46
	{ Noes 16

The ayes and noes being demanded by Messrs. Forshey and Foster,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bassett, Bevitt, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Tong, Ward, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Broadhead, Brooking, Campbell, Ewing, Forshey, Foster, Gentry, Hickman, Hyatt, Pitt, Stewart, Wells, Woodson, Wright, and Young.

Absent—Mr. Thomas.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

The main question was then put, to wit: "Shall the said vote on Mr. Campbell's amendment be reconsidered?"

And passed in the affirmative, { Ayes 36
 { Noes 26

The ayes and noes being demanded by Messrs. Campbell and Hyatt,

Those who voted in the affirmative are,

Messrs. Applegate, Bassett, Bevitt, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simpson, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Broadhead, Brooking, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Leslie, Pipkin, Pitt, Polk, Shields, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, and Simonds.

The said vote being now re-considered,

A motion was made by Mr. Jones of Newton, that the said amendment be indefinitely postponed.

And, under the operation of the previous question,

The question was put,

And passed in the affirmative, { Ayes 36
 { Noes 26

The ayes and noes being demanded by Messrs. Jones of Newton and Jones of Franklin.

Those who voted in the affirmative are,

Messrs. Applegate, Bassett, Bevitt, Brown, Buford, Bunch, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simpson, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Broadhead, Brooking, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Leslie,

Those who voted in the affirmative, are,

Messrs. Alexander, Bassett, Brooking, Brown, Buford, Bunch, Ewing, Fulkerson, Gentry, Gibbony, Hunter, Jackson of Howard, James, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Porter, Shields, Simonds, Simpson, Tong, Wilcoxson, and Woodson.

Those who voted in the negative are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Campbell, Coalter, Davis, Farquhar, Finch, Forshey, Foster, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jackson of Randolph, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Morrow, Pipkin, Pitt, Polk, Slack, Stewart, Stone, Thomas, Ward, Wells, Wright, Young, and Mr. President.

Absent on leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

So the Convention refused to postpone indefinitely the said resolution.

Mr. Young moved to amend the resolution, as follows:

Strike out the words "the same" and insert the words "half the."

Whereupon,

On motion of Mr. Shields,

Ordered, That the resolution and proposed amendment do lie on the table until information be furnished by the Secretary in relation to the amount of the said compensation.

Mr. Applegate moved the following resolution:

Resolved, That William S. Douglass be allowed the sum of twenty dollars, out of any funds appropriated for the expenses of this Convention, not expended.

Which was rejected.

Mr. Ward moved the following resolution:

Resolved, That the following shall be added as a fifth section to Article VIII, to wit:

Section 5. The Legislature may establish one or more Branches, not exceeding two, of the present Bank of the State of Missouri, but not more than one Branch shall be established at any one session of the Legislature; and when so established, shall be subject to the same rules and regulations as are now established and provided for the management of the Branches of said State Bank.

Which,

On motion of Mr. Jackson of Howard,

Was indefinitely postponed.

Mr. McHenry moved the following resolution:

Resolved, That the Public Printer be directed to print _____ copies of the new Constitution for distribution amongst the citizens of this State.

Mr. Morrow moved to fill the blank with the words "ten thousand."

Mr. Bevitt moved to fill the blank with the words "twenty-five thousand."

Whereupon,

On motion of Mr. Shields,

Ordered, That the said resolution, and motions, do lie on the table, until information be furnished as to the cost of such publication.

On motion of Mr. Broadhead,

The resolution moved by Mr. Forshey, on Tuesday last, proposing to pay the Chaplains of the Convention seventy-five dollars, each, was taken up from the table.

Whereupon,

Mr. Broadhead moved to strike out the words "seventy-five," and insert in lieu thereof the word "fifty."

Which amendment was agreed to.

Mr. Bassett now moved that the resolution, as amended, be indefinitely postponed.

And, under the operation of the previous question,—

The question was put,

And passed in the negative,	{ Ayes 16
	{ Noes 45

The ayes and noes being demanded by Messrs. Bassett and James,

Those who voted in the affirmative, are,

Messrs. Alexander, Bassett, Brown, Bunch, Davis, Farquhar, Fulkerson, Gentry, Gibbony, Hunter, Jackson of Randolph, James, Massey, McHenry, Mitchell, and Nickel.

Those who voted in the negative, are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Buford, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Green, Griffin, Hickman, Horine, Hunt, Hyatt, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Morrow, Neaves, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Absent—Mr. Brooking.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Jackson of Howard.

The previous question was now demanded.

And, under its operation,

The main question was put, to wit: "Shall the resolution, as amended, be agreed to?"

And passed in the affirmative.

Mr. Jones of Franklin, moved the following resolution:

Resolved, That five thousand copies of the new Constitution be printed in the German language for the purpose of distribution.

Which was rejected.

On motion of Mr. Green,

Resolved, That the Memorial, adopted by this Convention, to the Congress of the United States, on the subject of the Northern Boundary line of the State of Missouri, be enrolled, and signed by the President, and attested by the Secretary of the Convention, and filed in the office of the Secretary of State; and that the Secretary of State be requested to forward an attested copy of the same to our delegation in the Congress of the United States, as soon as practicable.

Mr. Campbell, from the Revising committee, reported, as follows:

The committee on Revision report back Article VIII, by striking out the words "provided that" from the tenth line of the second section.

The report was received;

And the amendment was agreed to.

The said Article VIII was then read for information.

Whereupon,

Mr. Broadhead moved to amend the same by ryder, as follows:

Amend section 2, by striking out all between the word "Assembly" in the fifth line, and the word "nor" in the ninth line.

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative,	{ Ayes 33
	{ Noes 28

The ayes and noes being demanded by Messrs. Ewing and Leslie,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bevitt, Brown, Buford, Bunch, Davis, Farquhar, Fulkerson, Gibbony, Green, Horine, Hunt, Hunter, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Nickel, Pannell, Pipkin, Porter, Simonds, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Bassett, Broadhead, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Gentry, Griffin, Hickman, Hyatt, Leslie, Morrow, Neaves, Pitt, Polk, Shields, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Brooking, and Jackson of Howard.

The rule was then suspended,
And Article VIII was read finally.

And the question was put, "Shall Article VIII be enrolled as a part of the Constitution?"

And passed in the affirmative,

{ Ayes 34
{ Noes 26

The ayes and noes being demanded by Messrs. Campbell and Leslie,

Those who voted in the affirmative are,

Messrs. Bassett, Bevitt, Brown, Buford, Coalter, Davis, Farquhar, Finch, Fulkerson, Green, Hunt, Hunter, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Applegate, Broadhead, Bunch, Campbell, Ewing, Forshey, Foster, Gentry, Gibbony, Griffin, Hickman, Hyatt, Kincheloe, Leslie, Pitt, Simpson, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Brooking and Horine.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Jackson of Howard.

Mr. Campbell, from the revising committee, reported, as follows:

The committee on Revision report back Article XI, with the number changed, so as to be Article VII.

The amendment was agreed to.

And the said Article was read, first, for information, and afterwards, was read finally,

And ordered to be enrolled as a part of the Constitution.

Mr. Campbell, from the revising committee, reported as follows:

The committee on revision report back Article IV, amended, by substituting the word "elected" in place of the word "appointed" in the second line of the second section.

After the word "years" in the 4th line of the twelfth section, insert the following words:

"And until his successor is duly appointed and qualified."

The report was received,

And the amendments were agreed to.

Mr. Anderson moved to dispense with the the reading of said Article.

And the question was put, "shall the reading be dispensed with?"
And passed in the negative.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of Mr. Morrow,

The vote of this morning, refusing to dispense with the reading of Article IV, was reconsidered. And thereupon,

The reading of said Article was dispensed with.

The rule was then suspended, and

Article IV was read by its title *finally*;

And the question was put, "shall Article IV be ordered to be enrolled as a part of the Constitution?"

And passed in the affirmative,	{ Ayes 45
	{ Noes 11

The ayes and noes being demanded by Messrs. Foster and Ward,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bassett, Brooking, Brown, Buford, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Horine, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Slack, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Broadhead, Campbell, Ewing, Forshey, Foster, Gentry, Griffin, Hickman, Hyatt, and Wright.

Absent—Messrs. Bevitt, Coalter, Hunter, and Porter

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Bunch, Jackson of Howard, and Neaves.

Mr. Campbell, from the revising committee, reported as follows:

The committee on Revision report back Article X changed so as to be numbered Article IX.

The amendment was agreed to;

And the said Article was read, for information.

The rule was then suspended,

And the said Article was read *finally*,

And ordered to be enrolled as a part of the Constitution.

Mr. Finch, from the Select committee, appointed to prepare a schedule to be attached to the Constitution, submitted a report, recommending the adoption of Article ———.

The report was received,
And Article ——— was read a first time.

The rule was then suspended; and the said Article was read a second time by its title.

Whereupon,
On motion of Mr. James,
Ordered, That Article ——— do lie on the table.

Mr. Brown offered the following Proposition, to wit:

ARTICLE VII.

Of Internal Improvement.

Section 1. Internal Improvements shall forever be encouraged in this State. The General Assembly shall, at their next session, repeal the law, approved March 27, 1845, distributing the proceeds of the sales of the 500,000 acres of land donated to this State by the Congress of the United States; and all laws distributing the three per cent. or road and Canal fund.

Section 2. All moneys arising from said grant of land, and the road and canal fund, as also, all grants hereafter made to the State for purposes of Internal Improvement, shall be set apart by the Legislature as a permanent Internal Improvement Fund.

Sec. 3. The Legislature shall direct by law in what manner all such funds shall be invested; and the interest accruing thereon, shall be appropriated for such specific object or objects of internal improvement, as the Legislature shall from time to time think proper: *Provided*, That this Article shall not take effect, if Congress shall assent to the proceeds of the 500,000 acres of land being applied to purposes of education.

Which was read, and objected to.
And thereupon,
The question was put, "shall the proposition be rejected?"

And passed in the negative,	{	Ayes 28
		Noes 30

The ayes and noes being demanded by Messrs. James and Shields.

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bassett, Buford, Coalter, Davis, Farquhar, Fulkerson, Green, Griffin, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Mitchell, Neaves, Nickel, Pannell, Pipkin, Simpson, Stewart, Tong, Wells, and Wilcoxson.

Those who voted in the negative, are,

Messrs. Anderson, Broadhead, Brooking Brown, Campbell, Ewing, Finch, Forshey, Foster, Gentry, Gibbony, Hickman, Horine, Hunt, Leslie, Marmaduke, McHenry, Morrow, Pitt, Polk, Shields, Simonds, Slack, Stone, Thomas, Ward, Woodson, Wright, Young and Mr. President.

Absent—Messrs. Bevitt, Bunch, Hunter, Hyatt, and Porter.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

The said proposition was then ordered to a second reading.

On motion of Mr. McHenry,

The following propositions were indefinitely postponed, to wit:

A proposition to strike out article 8, reported by a minority of the committee on banks and corporations, read a first time and ordered to a second reading on Thursday, November 27th, 1845.

A proposition as section 5 of Article III, introduced by Mr. Brown, read a first time and ordered to a second reading on Monday, December 8, 1845.

A proposition as section 19 of Article XIII, reported by the select committee to which was referred the petition of sundry citizens of St. Louis, praying the abolition of the license system, and which was read a first time and ordered to a second reading on Friday, December 26, 1845.

A proposition as Article XII, introduced by Mr. Simonds, read a first time and ordered to a second reading on Monday, December 29, 1845.

A proposition as Article XII, reported by a minority of the committee on the mode of amending the constitution, read a first time and ordered to a second reading on Tuesday, January 6, 1846.

The third reading of Article VI was resumed.

Mr. Polk moved to amend by ryder as follows:

Amend the fourth subdivision of section 4, by inserting between the words "the" and "fund" in the fourth line, the words "portion of the school."

And by striking out the words "this appropriation" in the sixth line, and inserting in lieu thereof, the following, to wit:

"The appropriations in this section provided."

Which was read three times and adopted.

Mr. Simonds moved to amend, by ryder, as follows:

Amend the second subdivision of section 4, by striking out in the third and fourth line, the words "to the State," and inserting in lieu thereof the words "according to law in this State."

The question was put, "Shall the ryder be rejected?"

And passed in the negative.

The ryder was then read a second and third time, and adopted.

Mr. Massey moved to amend by ryder, as follows:

Amend the second subdivision of the fourth section by striking out the words, "and of all fines and forfeitures that may hereafter accrue according to law in this State."

Which was read and rejected.

Mr. James moved to amend, by ryder, as follows:

At the end of section 5, add the following:

"*Provided*, That the fourth and fifth sections of this article shall not be so construed as to require the General Assembly to tax the people of this State, to make up any deficit in the interest upon the common school and seminary funds invested in the stock of the bank of the State of Missouri, to the amount of interest specified in said sections, until the State shall have disposed of said stock. — But until the State shall have disposed of said stock, she shall pay, as an annual interest upon said funds, the whole of the dividends which may be declared by the Bank upon the same."

Which was was read, and objected to.

And thereupon,

The question was put "Shall the ryder be rejected?"

And passed in the negative;	{	Ayes 27
		Noes 29

The ayes and noes being demanded by Messrs Massey and Morrow,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bevitt, Buford, Campbell, Forshey, Foster, Fulkerson, Green, Hickman, Hunt, Hyatt, Jackson of Randolph, Leslie, Nickel, Pipkin, Polk, Simonds, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Bassett, Broadhead, Brown, Coalter, Ewing, Farquhar, Gentry, Gibbony, Griffin, Horine, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Pannell, Pitt, Shields, Simpson, Slack, Stewart and Wells.

Absent—Messsr. Brooking, Finch, Hunter, Kincheloe, and Porter.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, Bunch, and Davis.

The ryder was then read a second and third time.

The question was put, "shall the ryder be adopted?"

And passed in the negative;	{	Ayes 28
		Noes 29

The ayes and noes being demanded by Messrs. Ewing and Stone,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bassett, Brown, Buford, Coalter, Farquhar, Gentry, Gibbony, Griffin, Horine, Jackson of Howard, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Pannell, Shields, Simpson, Slack, Stewart, and Wells.

Those who voted in the negative, are,

Messrs. Applegate, Bevitt, Broadhead, Brooking, Ewing, Forshey, Foster, Fulkerson, Green, Hickman, Hunt, Hyatt, Jackson of Randolph, Kincheloe, Leslie, Nickel, Pipkin, Pitt, Polk, Simonds, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Absent—Messrs. Campbell, Finch, Hunter, and Porter.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, Bunch, and Davis.

The previous question was now demanded;

And, under its operation,

The question was put, "shall Article VI, as amended, be adopted?"

And passed in the affirmative,	{	Ayes	42
		Noes	15

The ayes and noes being demanded by Messrs. James and Alexander,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bassett, Bevitt, Broadhead, Brown, Buford, Campbell, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Green, Hickman, Horine, Hunt, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, Neaves, Nickel, Pannell, Pipkin, Polk, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Gentry, Gibbony, Griffin, James, Jones of Franklin, Kincheloe, Massey, McHenry, Mitchell, Morrow, Pitt, Shields, Stewart, and Wells.

Absent—Messrs. Brooking, Coalter, Finch, Hunter, and Porter.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Apock, and Bunch.

Mr. Ewing moved “that the convention do reconsider the last preceding vote.”

And the question was put,

And passed in the negative.

A motion was made by Mr. Marmaduke, that the proposition as Article VII, introduced this evening by Mr. Brown, be now read a second time?

And the question was put,

And passed in the negative.

Mr. Jones of Franklin, moved that seventy-five copies of the article reported by the select committee on the schedule, be printed for the use of the members.

And the question was put,

And passed in the negative.

A motion was made by Mr. Jones of Franklin, that the article reported by the select committee on the schedule be now taken up from the table.

And the question was put,

And passed in the negative.

On motion of Mr. Coalter,

Ordered, That seventy-five copies of said article, exclusive of the seventh and eighth sections, be printed for the use of the members.

Ordered, also, That said article be not spread on the journal at the present time.

On motion of Mr. Bevitt,

Resolved, That the following be added at the close of all ordinances which may be passed by the Convention:

Done in Convention, at the City of Jefferson, in the State of Missouri, this ——— day of January, in the year of our Lord one thousand eight hundred and forty-six, and of the independence of the United States of America the seventieth.

By order of the Convention.

President.

Attest: _____

Secretary.

On motion of Mr. Bevitt,

Resolved, That a copy of the ordinance concerning the south western boundary be transmitted to each of our Representatives in Congress.

On motion of Mr. Campbell,

Resolved, That two copies of the Constitution be enrolled under the supervision of the enrolling committee and signed by the members.

Ordered, That the memorial to Congress relating to the admission of Iowa into the Union, and the northern boundary of this State—be omitted out of the journal and appendix.

Mr. Campbell from the revising committee, reported as follows:

The committee on revision report back the article on Judicial Powers with a slight amendment.

Strike out the rider to the tenth section, and in lieu thereof insert the following words, "but the General Assembly may add to any circuit any new county hereafter organized."

Which amendment was agreed to.

At this stage of the proceedings,

The Convention adjourned.

MONDAY MORNING, JANUARY 12,

On motion of Mr. Bevitt,

The reading of the Journal of Saturday last was dispensed with.

On motion of Mr. Shields,

Resolved, That the Secretary of State be requested to inform the Convention what amount of stationery was purchased for the use of the Convention, and what amount of it is now on hand; and that he be requested to take charge of it, and transfer it to the next General Assembly.

Resolved, That the door-keeper furnish an account showing the amount paid for fuel for the use of the Convention.

On motion of Mr. Jones of Franklin,

Resolved, That the Secretary of State be directed to receive the signatures of members of this Convention, who may not have signed the same before the Convention adjourns.

Mr. Campbell, from the revising committee, reported as follows:

The committee on Revision report back the third Article of the Constitution, with amendments, as follows:

From the rider at the end of section 6, strike out the six last lines, and add the same substantially to the end of section 10.

From the second line of the sixteenth section, strike out the word "eligible," and insert the word "appointed."

Amend section 26 by dividing the same into different sections:

The two first clauses of the first paragraph to form section 26;

The second paragraph to form section 27;

The third paragraph to form section 28;

The third clause of the first paragraph, to form section 31;

And the fourth clause of that paragraph to form section 32, modified as follows:

“The general assembly shall not have power to grant divorces in any case.”

Make corresponding changes to adapt the language to this new subdivision; and make corresponding changes in the numbers of the following sections:

As section 42, add the following provision, which appears to have been overlooked:

§ 42. No person holding any office of profit under the United States shall, during his continuance in office, be elected or appointed, or hold any office of profit under this State.”

Make Article IX the 33d section of the third Article.

From the first line of the fourth clause of the second paragraph of section 26, strike out the word “prevent” and insert the word “permit.”

Which report was received,
And the amendments were agreed to.
On motion,

The reading of Article III, for information, was dispensed with.
Mr. Stewart moved to amend by ryder, as follows:

“The house of representatives shall consist of members to be chosen every second year by the qualified electors of the several counties, in the following manner, to wit: The ratio of representation shall be determined by each apportioning session of the legislature. Each county having said ratio shall be entitled to one representative; each county having twice said ratio, shall be entitled to two representatives; each county having three and a half times said ratio, shall be entitled to three representatives; each county having five times said ratio, shall be entitled to four representatives; and so on, making a ratio and a half the mean increasing number for every additional representative; but when a county may not have a sufficient number of qualified electors, to entitle it to one representative, it shall then be in the power of the legislature to join two or more counties together for the purpose of forming an election district, which district shall be entitled to a representative or representatives, in the same ratio that counties are entitled: *Provided*, that such ratio shall be taken by the legislature, as will never give more than one hundred and twenty, nor less than one hundred representatives.”

Which was read, and objected to.
And under the operation of the previous question,
The question was put, “shall the ryder be rejected?”

And passed in the affirmative,	{ Ayes 43
	{ Noes 15

The ayes and noes being demanded by Messrs. Gentry and Stewart,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bassett, Broadhead, Brooking, Brown, Buford, Campbell, Ewing, Finch, Fulkerson, Gibbony, Green, Griffin, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Tong, Ward, Wilcoxson, Woodson, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Coalter, Davis, Forshey, Foster, Gentry, Hickman, Horine, Hunt, Leslie, Pitt, Stewart, Wells and Young.

Absent—Messrs. Bevitt, Farquhar, and Thomas.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock and Bunch.

Mr. Hunter moved to amend, by ryder, as follows:

Add to Article III the following section, to wit:

Section 43. Within ten years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested, and promulgated in such manner as the general assembly shall direct; and a like revision, digest, and promulgation, shall be made at the expiration of every subsequent period of ten years.

Which was read and objected to;

And, under the operation of the previous question,

The question was put, "Shall the ryder be rejected?"

And passed in the negative,	{ Ayes 20
	{ Noes 33

The ayes and noes being demanded by Messrs. Hunter and Polk,

Those who voted in the affirmative, are,

Messrs. Applegate, Bassett, Bevitt, Broadhead, Brooking, Coalter, Davis, Ewing, Hickman, Hyatt, Jackson of Howard, Jackson of Randolph, Kincheloe, Leslie, Marmaduke, Massey, Mitchell, Morrow, Shields, Simonds, Simpson, Stone, Ward, Wilcoxson, Woodson, and Wright.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Brown, Buford, Campbell, Finch, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Horine, Hunt, Hunter, James, Jones of Franklin, Jones of Newton, Jones of Scotland,

McHenry, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Slack, Stewart, Tong, Wells, Young and Mr. President.

Absent—Messrs. Farquhar, Forshey and Thomas.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, and Bunch.

The ryder was then read a second time; when, Mr. Hunter moved to amend the same, by striking out the word "ten" in the last line, and inserting the word "sixteen" in lieu thereof.

Which was read three times.

And the question, being on the adoption thereof, Was divided,

And was put, *first*, shall the word "ten" be stricken out?"

And passed in the affirmative.

The question was put, *secondly*, shall the word "sixteen" be inserted in lieu thereof?

And passed in the affirmative.

So the said amendment was adopted.

Mr. Jackson of Howard, moved to amend said ryder, as amended, as follows:

Between the words "shall" and "direct," in the sixth line, insert the words "by law."

Which was read three times.

And, under the operation of the previous question,

The question was put, "Shall the amendment be agreed to?"

And passed in the affirmative.

The ryder was then read a third time;

And under the operation of the previous question,

The question was put, "Shall the ryder, as amended, be adopted?"

And passed in the affirmative,	{	Ayes	36
		Noes	26

The ayes and noes being demanded by Messrs. Jackson of Howard and Simonds,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Brown, Buford, Bunch, Campbell, Farquhar, Finch, Forshey, Foster, Fulkerson, Gentry, Gibbony, Green, Griffin, Horine, Hunt, Hunter, Hyatt, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Marmaduke, McHenry, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Slack, Tong, Wells, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Applegate, Bassett, Bevitt, Broadhead, Brooking, Coalter,

Davis, Ewing, Hickman, Jackson of Howard, Jackson of Randolph, Kincheloe, Leslie, Massey, Mitchell, Morrow, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Ward, Wilcoxson, Woodson, and Wright.

Absent—Mr. Porter.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

Mr. Campbell moved to amend, by ryder, as follows:

Amend section 36 by striking out the words "a majority," and inserting, in place thereof, the words "two-thirds."

Which was read three times;

And under the operation of the previous question,

The question was put, "Shall the ryder be adopted?"

And passed in the affirmative,	{	Ayes	43
		Noes	16

The ayes and noes being demanded by Messrs. Campbell and Wright,

Those who voted in the affirmative, are,

Messrs. Alexander, Anderson, Applegate, Bassett, Bevitt, Broadhead, Brooking, Brown, Buford, Campbell, Coalter, Davis, Ewing, Finch, Foster, Gentry, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Kincheloe, Leslie, Marmaduke, Morrow, Neaves, Pannell, Pipkin, Pitt, Polk, Simonds, Simpson, Slack, Stewart, Stone, Tong, Ward, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Farquhar, Fulkerson, Gibbony, Green, Griffin, James, Jones of Newton, Jones of Scotland, Massey, McHenry, Mitchell, Nickel, Porter, Shields, Wells, and Wilcoxson.

Absent—Messrs. Forshey, Horine, and Thomas.

Absent, with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, and Bunch.

Mr. Polk moved to amend by ryder, as follows:

Strike out the words "and equal" in the 13th line of section 2 ;and, after the word "city" in the same line, add the words "containing, as near as may be, an equal number of white inhabitants."

Which was read three times and adopted.

Mr. Polk moved to amend by ryder, as follows:

In the 18th line of section 6, insert between the words "districts" and

"shall," the words "contain as near as may be, an equal number of of white inhabitants, and."

Which was read three times and adopted.

Mr. Campbell moved to amend by ryder, as follows:

Amend the 31st section by adding thereto the following words, to wit:

"But the general assembly shall have power to contract a debt when when it may be necessary to preserve the public faith, and to save the State from repudiation and dishonor."

Which was read, and objected to.

And under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative,	{ Ayes 35
	{ Noes 25

The ayes and noes being demanded by Messrs. Thomas and Broadhead,

Those who voted in the affirmative are,

Messrs. Alexander, Bassett, Bevitt, Brown, Buford, Coalter, Davis, Farquhar, Finch, Fulkerson, Gibbony, Griffin, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pitt, Porter, Simonds, Simpson, Stewart, Tong, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Applegate, Broadhead, Brooking, Campbell, Ewing, Forshey, Foster, Gentry, Green, Hickman, Hyatt, Jones of Newton, Marmaduke, Pipkin, Polk, Shields, Stone, Thomas, Ward, Wells, Wilcoxson, Woodson, Wright, and Young.

Absent—Messrs Horine and Slack.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Bunch.

No other amendments being offered,

The rule was suspended,

And Article III was read *finally*, by its title.

The rule requiring said Article to be again referred to the revising committee, was also suspended;

And then, under the operation of the previous question,

The question was put, "Shall Article III, as amended, be enrolled as a part of the Constitution?"

And passed in the affirmative,

{ Ayes 43

{ Noes 18

The ayes and noes being demanded by Messrs. Massey and Jones of Newton,

Those who voted in the affirmative, are,

Messrs. Applegate, Bassett, Bevitt, Broadhead, Brooking, Brown, Buford, Coalter, Davis, Finch, Fulkerson, Green, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Tong, Ward, Wilcoxson, Woodson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Campbell, Ewing, Farquhar, Forshey, Foster, Gentry, Gibbony, Griffin, Hickman, Hunt, Pitt, Stewart, Stone, Thomas, Wells, and Young.

Absent—Mr. Horine.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

Mr. Campbell, from the Revising committee, reported as follows:

The revising committee report back Article VI, *on Education*, without amendment.

Which report was received.

The said Article was then read, *first*, for information, and afterwards, *finally*.

And the question was put, "Shall Article VI be enrolled as a part of the Constitution?"

{ Ayes 40

And passed in the affirmative,

{ Noes 19

The ayes and noes being demanded by Messrs.

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Brown, Buford, Campbell, Coalter, Davis, Ewing, Farquhar, Forshey, Foster, Fulkerson, Green, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Newton, Jones of Scotland, Leslie, Marmaduke, Neaves, Nickel, Pipkin, Polk, Simonds, Simpson, Slack, Stone, Tong, Ward, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Bassett, Brooking, Finch, Gentry, Gibbony, Griffin, James, Jones of Franklin, Kincheloe, Massey, McHenry, Mitchell, Morrow, Pitt, Porter, Shields, Stewart, and Wells.

Absent—Messrs. Horine, Pannell and Thomas.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, and Bunch.

Mr. Campbell, from the Revising committee, reported back, Article XIII, numbered as Article XI.

The report was received,

And the amendment was agreed to.

The said Article was then read for information, and afterwards finally,

And the question was put, "Shall Article XI be enrolled as a part of the Constitution?"

And passed in the affirmative.

Mr. Campbell, from the revising committee, reported back Article XII, with amendments, as follows:

"Change the number of the Article so as to make it Article X."

From the seventh line of the rider, strike out the words "the same," and insert "such amendments."

In the eleventh line, insert the word "succeeding," after the word "next."

In the fifth line, after the words "columns," insert "for each amendment."

In the twentieth line, after the word "amendments," insert "separately."

In the twenty-seventh line, after the word "against," insert "each of."

In the thirty-first line, after the word "of," insert "any one of."

Strike out the words after "proclamation," in the thirty-fourth line.

The report was received and the amendments were agreed to.

And thereupon,

The said Article was read, *first*, for information,

And then *finally*, by its title.

Mr. Ward moved to amend by ryder, as follows:

After the word "given," in the fifth line from the bottom, insert the words "for and against such amendment."

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative,

{ Ayes	35
{ Noes	26

The ayes and noes being demanded by Messrs. James and Jackson of Howard,

Those who voted in the affirmative are,

Messrs. Applegate, Bassett, Bevitt, Brown, Buford, Davis, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simonds, Simpson, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Broadhead, Brooking, Campbell, Coalter, Ewing, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Leslie, Pipkin, Pitt, Polk, Shields, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Mr. Horine.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock, and Bunch.

The previous question was now demanded,
And under its operation,

The question was put, "shall Article X be enrolled as a part of the Constitution?"

And passed in the affirmative,	{ Ayes	39
	{ Noes	21

The ayes and noes being demanded by Messrs. _____

Those who voted in the affirmative, are,

Messrs. Applegate, Bassett, Bevitt, Brown, Buford, Coalter, Farquhar, Finch, Fulkerson, Gibbony, Green, Griffin, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative, are

Messrs. Alexander, Anderson, Broadhead, Brooking, Campbell, Ewing, Forshey, Foster, Gentry, Hickman, Hyatt, Pitt, Polk, Stewart, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Davis and Horine.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Bunch.

Mr. Forshey moved "that the resolution offered by Mr. Polk, on Saturday last, proposing to pay the secretary and assistant secretary the same compensation that is allowed, by law, to the secretary of the Senate and chief clerk of the House of Representatives, for copying the Journals, be now taken up from the table."

And the question was put,

And passed in the affirmative.

An estimate made by the secretary was then read, showing that, up to Friday last, the said compensation would amount to one dollar and twenty-seven cents per day,—additional pay—to each of the above named officers.

Whereupon,

Mr. Young withdrew the amendment moved by him on Saturday last, to said resolution.

Mr. Polk then modified said resolution so as to read as follows:

Resolved, That the secretary and assistant secretary each receive one dollar and twenty-five cents additional pay, for each day of the session, for copying for the printer.

The previous question was now demanded,

And under its operation,

The question was put, "shall the resolution, as modified, be agreed to?"

And passed in the negative.	{	Ayes	27
		Noes	29

The ayes and noes being demanded by Messrs. Brooking and Finch,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bevitt, Broadhead, Brown, Campbell, Coalter, Ewing, Forshey, Foster, Green, Hickman, Hunt, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Morrow, Pipkin, Stone, Ward, Wells, Woodson, Wright, Young and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Bassett, Brooking, Buford, Farquhar, Finch, Fulkerson, Gentry, Gibbony, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Marmaduke, Massey, McHenry, Mitchell, Nickel, Pannell, Polk, Porter, Shields, Simonds, Simpson, Slack, Thomas, Tong, and Wilcoxson.

Absent—Messrs. Davis, Griffin, Horine, Neaves, Pitt, and Stewart.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Bunch.

Mr. Anderson, by leave, introduced an ordinance, which is in the words following, to wit:

AN ORDINANCE.

Whereas it may happen that the people of Missouri shall be unwilling to ratify the Constitution offered to them by this Convention,

Therefore, Be it ordained that the following distinct propositions to amend the Constitution of Missouri, shall be submitted to the people *directly* for ratification or rejection, at the same time that the new Constitution shall be voted on by the people.

§ 1. All that part of the second section of the third article of the present Constitution of the State of Missouri, which declares that "each county shall have at least one representative," is hereby repealed and abolished.

§ 2. Representation shall be equal and uniform in this State, and shall be forever regulated and ascertained by the white inhabitants therein,—and so apportioned as to give, as near as possible to each white inhabitant in this State, an equal voice in its legislation.

§ 3. The eleventh article of the present constitution is hereby abolished, and instead thereof, the following is substituted as a part of said Constitution, viz:

The General Assembly may at any time propose such amendments to the Constitution of this State as a majority of all the members elected to each house shall deem expedient; which amendments shall be published in all the newspapers printed in this State, three several times, at least twelve months before the next succeeding general election: And at the next general election after said publication, a column shall be opened on each poll book in this State, for and against each amendment that may be proposed under the provisions of this article—and every voter shall have the privilege of voting for or against each amendment proposed—which votes for and against such amendments shall be cast up, and an abstract of them certified to the Secretary of State, by the clerks of the several county courts of this State, within five days after they receive the poll books containing them.

The Secretary of State shall as soon as he receive said abstracts, open, examine and count them in the presence of the Auditor of Public Accounts, or the Treasurer of State, or both, and if he shall find that a majority of all the votes cast for and against either amendment be for it—he shall forthwith certify the same to the Governor, who shall by proclamation, declare the same to be a part of the Constitution of the State of Missouri—and the same shall, from the date of said proclamation, be a part of said Constitution.

§ 4. Be it further ordained, That the poll books shall contain one

column for the names of those who vote for the amendments proposed in this ordinance, and another column for those who vote against the same—and every voter shall have the privilege of voting for or against the new Constitution.

The returns of the votes under this ordinance shall be corrected, certified, and returned in the same manner as the votes upon the ratification or rejection of the new Constitution.

If, after the votes from the different counties shall be ascertained, it shall be found that the majority of the people voting thereon have voted against the ratification of the new Constitution—and that a majority of the votes voting for and against the amendments contained in this ordinance, have voted for the ratification of the same. Then the amendments proposed in this ordinance shall become a part of the Constitution of the State of Missouri, and the Governor shall make his proclamation to that effect.

Which was read.

And thereupon,

A motion was made by Mr. Slack, "that said ordinance be indefinitely postponed."

And, under the operation of the previous question,

The question was put, "shall the ordinance be indefinitely postponed?"

And passed in the affirmative;

{	Ayes	41
	Noes	17

The ayes and noes being demanded by Messrs. Jackson of Howard, and Morrow,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bassett, Brown, Buford, Coalter, Farquhar, Finch, Fulkerson, Gibbon, Green, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Tong, Ward, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Broadhead, Brooking, Campbell, Ewing, Forshy, Foster, Gentry, Hickman, Hyatt, Pitt, Stone, Thomas, Wells, Woodson, Wright, and Young.

Absent—Messrs. Bevitt, Davis, Griffin, and Horine.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock and Bunch.

The Convention then adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of Mr. Massey.

The Convention resumed the consideration of the revised Article numbered V.

The rule requiring said article to be read for information, was suspended;

And then,

Mr. Jones of Newton moved to amend by rider, as follows:

Strike out section 9, and insert the following, to wit:

The General Assembly shall divide the State into a convenient number of compact circuits, to be composed of contiguous counties, which circuits shall never exceed fifteen in number.

Which was read and objected to.

And, under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative;	{	Ayes	40
		Noes	13

The ayes and noes being demanded by Messrs. Shields and Brooking,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bevitt, Broadhead, Brooking, Brown, Buford, Campbell, Coalter, Davis, Ewing, Forshey, Foster, Fulkerson, Gentry, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Marmaduke, McHenry, Mitchell, Neaves, Nickel, Pannell, Polk, Shields, Simonds, Simpson, Stone, Ward, Wells, Wilcoxson, Woodson, and Wright.

Those who voted in the negative, are,

Messrs. Farquhar, Green, Griffin, Horine, Jones of Newton, Kinche-
loe, Leslie, Massey, Morrow, Pitt, Slack, Stewart, and Mr. President.

Absent—Messrs. Anderson, Bassett, Finch, Gibbony, Pipkin, Thomas, Tong, and Young.

Absent with leave—Messrs. Branstetter, and Cannon.

Excused—Mr. Porter.

Sick—Messrs. Acöck, and Bunch.

Mr. Hunt moved to amend by ryder as follows:

After the word "qualified" in the fourth line of section 11, insert the following:

"If any vacancy shall happen before the expiration of the term of six years, it may be filled by a special election."

Which was read and objected to.

And the question was put, "shall the ryder be rejected?"

And passed in the negative.

The ryder was then read a second time.

Whereupon,

Mr. Massey moved to amend the ryder, by substituting in lieu thereof the following, to wit:

When a vacancy shall happen in the office of circuit judge within one year of the expiration of the term for which he was elected, such vacancy shall be filled by an appointment by the Governor. In all other cases of vacancy, it shall be filled by an election.

Which was read twice and agreed to.

The ryder as amended, was then read a third time,

And adopted.

Mr. Campbell moved to amend by ryder, as follows:

Amend Article V, by adding to the end thereof, the following section:

Section 25. If any cause shall be pending in the supreme court, in which all or either of the judges thereof shall be personally interested, the Governor shall appoint competent persons to act as judges during the trial of such cause, in the place of the judges thus interested.

Which was read three times and adopted.

Mr. Shields moved to amend by ryder, as follows:

Strike out section 8.

Which was read and objected to.

And thereupon,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative,	{ Ayes 30
	{ Noes 29

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. Alexander, Bevitt, Brooking, Brown, Buford, Bunch, Campbell, Davis, Farquhar, Forshey, Foster, Gentry, Hickman, Hyatt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Massey, Mitchell, Neaves, Nickel, Porter, Stone, Ward, Wells, Wilcoxson, Woodson, Wright, and Young.

Those who voted in the negative are,

Messrs. Applegate, Bassett, Ewing, Finch, Fulkerson, Green, Griffin, Horine, Hunt, Hunter, Jackson of Howard, Jones of Scotland,

Kincheloe, Leslie, Marmaduke, McHenry, Morrow, Pannell, Pipkin, Pitt, Polk, Shields, Simonds, Simpson, Slack, Stewart, Thomas, Tong, and Mr. President.

Absent—Messrs. Anderson, Broadhead, Coalter and Gibbony.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

Mr. Shields moved to amend by ryder, as follows:

Amend section 8, by inserting between the words "judge" and "shall," the words "of the circuit court."

Which was read and objected to.

And thereupon, ...

The question was put, "shall the ryder be rejected?"

And passed in the negative,	{	Ayes	20
		Noes	40

The ayes and noes being demanded by Messrs. Shields and Brook-
ing,

Those who voted in the affirmative, are,

Messrs. Alexander, Bevitt, Brown, Buford, Bunch, Davis, Farquhar, Horine, Hunt, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Massey, Morrow, Neaves, Pipkin, Stewart, Wells, and Wilcoxson.

Those who voted in the negative, are,

Messrs. Anderson, Applegate, Bassett, Broadhead, Brooking, Campbell, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Green, Griffin, Hickman, Hunter, Hyatt, Jackson of Howard, Jones of Scotland, Kincheloe, Leslie, Marmaduke, McHenry, Mitchell, Nickel, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Woodson, Wright, Young, Mr. President.

Absent—Messrs. Coalter, Gibbony, and Pannell.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

The ryder was then read a second and a third time, and adopted.

Mr. Slack moved to amend by ryder, as follows:

Amend section 8, by adding after the words "supreme court," in the third line (printed copy) the words:

"Provided, That if any judge shall resign his office, he shall not be

inelligible to any office, for a longer period than twelve months after such resignation."

Which was read, and objected to.

And thereupon,

The question was put, "shall the ryder be rejected?"

And passed in the negative.

The ryder was then read a second;

When,

Mr. Ewing moved to amend the same by striking out the words "twelve months," and inserting the words "two years."

Which was read, and rejected.

The ryder was then read a third time. And,

The question was put, "shall the ryder be adopted?"

And passed in the affirmative,

{	Ayes	42
	Noes	18

The ayes and noes being demanded by Messrs. Bassett and Finch,

Those who voted in the affirmative, are,

Messrs. Applegate, Brown, Buford, Campbell, Davis, Finch, Fulker son, Gentry, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Jones of Newton Jones of Scotland, Kincheloe, Leslie, Marmaduke, Massey, McHenry Mitchell, Neaves, Nickel, Pannell, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stone, Thomas, Tong, Ward, Wells, Young and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Anderson, Bassett, Broadhead, Brooking, Bunch, Ewing, Farquhar, Forshey, Foster, Horne, James, Morrow, Pipkin, Stewart, Wilcoxson, Woodson, and Wright.

Absent—Messrs. Bevitt, Coalter, and Gibbony.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

Mr. Green moved to amend by ryder, as follows:

Amend section 5 by striking out all after the word "court," in the second line, to the word "each," in the third line.

Which was read three times and adopted.

Mr. Campbell moved to amend, by ryder, as follows:

Amend section 24 of Article of V, by striking out the words, "a majority," and in place thereof, inserting "three-fifths."

Which was read three times, and adopted.

Mr. Jackson of Howard moved to amend by ryder, as follows:

Strike out the word "if," and all thereafter in section 8.

Which was read and objected to.

And, under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative.

Mr. Hunt moved to amend by ryder, as follows:

Add at the end of section 18, the following:

And if any vacancy in the office of the clerk of the circuit or county court, shall happen within one year next before the expiration of the term of six years, the judge or judges of the court shall fill the same; but, in all other cases, a vacancy shall be filled by an election.

Which was read three times, and adopted.

Mr. Broadhead moved to amend by ryder, as follows:

Insert after the word "judge," in the third line of section 8, the words "of the circuit court."

Which was read and rejected.

Mr. Massey moved to amend by ryder, as follows:

Strike out section 21, and insert the following:

Section 21. The first election for circuit judge shall be held on the first Monday of August one thousand eight hundred and forty-seven; and they shall be elected in the following manner: At the different places of voting for members of the House of Representatives, within each judicial circuit, the qualified voters shall vote for a judge: And when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a majority of the judges of the supreme court.

Which was read and objected to.

And, under the operation of the previous question,

The question was put, "shall the ryder be rejected?"

And passed in the affirmative.

The previous question was now demanded,

And, under its operation,

The question was put "shall Article V be now finally read?"

And passed in the affirmative.

Whereupon,

Said article was read finally.

And then,

The question was put "shall Article V, as amended, be enrolled as a part of the Constitution?"

And passed in the affirmative;

{	Ayes	43
	Noes	17

The ayes and noes being demanded by Messrs. Brooking and Polk,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bassett, Bevitt, Broadhead, Brown, Buford, Bunch, Coalter, Ewing, Finch, Fulkerson, Gentry, Gibbony, Griffin, Hunt, Hunter, Jackson of Howard, Jackson of Randolph,

James, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Neaves, Nickel, Pannell, Pipkin, Porter, Shields, Simonds, Simpson, Slack, Stewart, Tong, Ward, Wilcoxson, Woodson, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Brooking, Campbell, Forshey, Foster, Green, Hickman, Horine, Hyatt, Leslie, Morrow, Pitt, Polk, Stone, Thomas, Wells, and Wright.

Absent—Messrs. Davis, Farquhar, and Jones of Franklin.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

Brown moved "that the proposition, as Article VII, introduced by him on yesterday, be now read a second time."

And the question being put,

Passed in the negative.

On motion of Mr. Pipkin,

The Convention resumed the consideration of Article —, reported on Saturday last by the select committee on the schedule.

The said article being on its second reading,

Sections 1 and 2 were read and agreed to.

When,

Mr. Jones of Newton moved to strike out the whole article, and insert in lieu thereof the following as a substitute, to wit:

AN ORDINANCE

To put the new Constitution into operation.

§ 1. Be it ordained by the delegates of the people of the State of Missouri, in Convention assembled, that the Constitution adopted in the year eighteen hundred and twenty, is declared to be superceded by this Constitution: And in order to carry it into effect, it is hereby declared and ordained, as follows:

§ 2. All rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if the same had not been adopted.

§ 3. All recognizances heretofore taken, or which may be taken before the adoption of this Constitution, shall remain valid; and all bonds executed to the State, or to any court, or officer, in his official capacity, shall pass over to the proper State authority or their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly.

§ 4. All criminal prosecutions and penal actions, which have arisen, or

which may arise before the adoption of this Constitution, and which shall then be depending, shall be prosecuted to judgment and execution under this Constitution.

§ 5. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no officer shall be superceded thereby, but the laws of the State, relative to the duties of the several officers, executive, judicial and military, shall remain in full force though the same be contrary to this Constitution: and the several duties shall be performed by the respective officers of the State according to the existing laws, until the organization of the Government under the existing Constitution, and the time when the new officers to be appointed or elected under said Government shall enter into office, and no longer.

§ 6. The vote for and against this Constitution, and the proceedings in the adoption and ratification of the same, shall be regulated by the provisions of the act entitled "an act to provide for the call of a Convention," approved February 27, 1843.

§ 7. On the first Monday in October in the year eighteen hundred and forty-seven, an election shall be held for judges of the circuit court, and for clerks of the circuit and county courts. The judges and clerks shall enter upon the duties of their respective offices on the first Monday in January succeeding their election.

§ 8. If any vacancy shall happen in the office of clerk of the circuit or county court, an election shall be ordered by the judge of the circuit in which the vacancy happens—if the vacancy occurs in the office of clerk of the circuit court, then such order shall be made by the justices of the county court, in order to fill such vacancy: But if such vacancy happen within one year of the expiration of the term of such clerk, the vacancy shall be filled by an appointment by the judge of the circuit court—if the vacancy occurs in the office of clerk of the circuit court: but if such vacancy occurs in the office of clerk of the county court,—then by justices of the county court.

Circuit and county courts shall have power to appoint temporary clerks, to continue till such vacancies can be filled by election.

§ 9. An election for Governor and Lieutenant Governor shall be held on the first Monday in August, in the year eighteen hundred and forty-eight, and their term of office shall commence on the first Monday in November following. The term of office of the present Governor and Lieut. Governor shall terminate so soon as their successors, elected under this Constitution, shall be qualified.

§ 10. Immediately upon the taking effect of this Constitution, the judges of the supreme court shall determine by lot the class to which they severally belong. The office of the first class shall expire on the fourth Monday in November, 1846; the office of the second class shall expire in four years thereafter; and the office of the third class in eight years after the first class. The Governor shall immediately fill such offices as they severally become vacant. If the judges of the supreme court shall neglect for thirty days to classify themselves as above directed, it shall be the duty of the Attorney General, Auditor of Public Accounts, and Secretary of State to make such classification by lot. And immediately after the making of such classification, it shall be duly attested by the persons making the same, and filed in the office of the Secretary of State.

§ 11. The General Assembly elected in the year eighteen hundred and forty-six, shall hold its session for the period of thirty days and no longer; and shall pass only such general laws as are necessary to carry into effect the provisions of the new constitution.

§ 12. Until the first enumeration and apportionment shall be made as directed by this Constitution,

The county of Andrew shall have one Representative;

Barry	"	one	"
Bates	"	one	"
Benton	"	one	"
Boone	"	two	"
Buchanan	"	two	"
Callaway	"	two	"
Cape Girardeau	"	two	"
Chariton	"	one	"
Clay	"	two	"
Cole	"	one	"
Cooper	"	two	"
Crawford	"	one	"
Carroll	"	one	"
Franklin	"	two	"
Gasconade	"	one	"
Greene	"	two	"
Henry	"	one	"
Howard	"	two	"
Jackson	"	two	"
Jasper	"	one	"
Jefferson	"	one	"
Joh. son	"	one	"
Lafayette	"	two	"
Lewis	"	one	"
Lincoln	"	two	"
Linn	"	one	"
Livingston	"	one	"
Macon	"	one	"
Madison	"	one	"
Marion	"	two	"
Miller	"	one	"
Monroe	"	two	"
Montgomery	"	one	"
Morgan	"	one	"
New Madrid	"	one	"
Newton	"	one	"
Dallas	"	one	"
Osage	"	one	"
Platte	"	three	"
Perry	"	one	"
Pettis	"	one	"
Pike	"	one	"
Polk	"	one	"

The county of Pulaski shall have one Representative;

Rolls	"	one	"
Randolph	"	two	"
St. Charles	"	two	"
St. Francois	"	one	"
Ste. Genevieve	"	one	"
St. Louis	"	ten	"
Saline	"	one	"
Shelby	"	one	"
Taney	"	one	"
Van Buren	"	one	"
Warren	"	one	"
Washington	"	two	"
Wayne	"	one	"
Harrison	"	one	"
Lawrence	"	one	"
Hickory	"	one	"
Moniteau	"	one	"
Nodaway	"	one	"
Clark	"	one	"
Scotland	"	one	"
Clinton & De Kalb	} "	one	"
Ozark	"	one	"
Sullivan	"	one	"
Schuyler	"	one	"
Putnam & Adair	} "	one	"
St. Clair	"	one	"
Mississippi	"	one	"
Scott	"	one	"
Audrain	"	one	"
Gentry	"	one	"
Shannon, Ripley & Reynolds	} "	one	"
Dunklin & Stoddard	} "	one	"
Atchison & Holt	} "	one	"
Grundy	"	one	"
Mercer	"	one	"
Knox	"	one	"
Oregon & Texas	} "	one	"
Camden	"	one	"
Davis	"	one	"
Caldwell	"	one	"
Dade & Cedar	} "	one	"

The county of Wright shall have one Representative;
 Ray " one "

§ 13. Until an enumeration and apportionment shall be made under this constitution:

The counties of St. Charles and Lincoln shall be entitled to one Senator

Pike and Roll	"	one	"
Marion and Monroe	"	one	"
Scotland, Lewis, Clark, Knox } and Schuyler	"	one	"
Sullivan, Putnam, Harrison, } Grundy, Mercer and Gentry	"	one	"
Holt, Atchison, Nodaway and } Andrew	"	one	"
Buchanan, De Kalb and Clinton	"	one	"
Platte	"	one	"
Clay and Ray	"	one	"
Livingston, Linn, Carroll, Cald- } well and Davis	"	one	"
Haward and Chariton	"	one	"
Macon, Adair, Shelby and Ran- } dolph	"	one	"
Boone and Audrain	"	one	"
Ste. Genevieve, Ste. Francois } and Perry	"	one	"
Cape Girardeau and Wayne	"	one	"
Scott, Mississippi, New Madrid, } Stoddard and Dunklin,	"	one	"
Reynolds, Shannon, Texas, } Madison, Ripley, Oregon and Wright	"	one	"
Greene, Taney and Ozark	"	one	"
Jackson and Van Buren	"	one	"
Lafayette and Johnson	"	one	"
Lawrence, Barry, Newton and } Jasper	"	one	"
Polk, Hickory, Camden and } Dallas	"	one	"
St. Clair, Henry, Bates, Cedar } and Dade	"	one	"
Pettis, Benton and Saline	"	one	"
Cooper and Moniteau	"	one	"
Cole, Miller and Morgan	"	one	"
Callaway and Montgomery	"	one	"
Franklin and Warren	"	one	"
St. Louis	"	three	"
Crawford, Washington and Jef- } ferson	"	one	"
Gasconade, Osage and Pulaski	"	one	"

Which was read.

Whereupon,

Mr. Broadhead moved "that the said substitute be indefinitely postponed."

And, under the operation of the previous question,

The question was put,

And passed in the affirmative;

} Ayes 35

} Noes 25

The ayes and noes being demanded by Messrs. Jones of Newton and Jones of Scotland,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bassett, Broadhead, Brooking, Brown, Coalter, Ewing, Finch, Forshey, Fulkerson, Gentry, Hickman, Hunt, Hyatt, Leslie, Marmaduke, Massey, McHenry, Mitchell, Nickel, Pitt, Polk, Shields, Simonds, Simpson, Stone, Thomas, Tong, Ward, Wells, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative are,

Messrs. Alexander, Buford, Campbell, Davis, Farquhar, Foster, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Morrow, Pannell, Pipkin, Porter, Slack, Stewart, and Wilcoxson.

Absent—Messrs. Bevitt, and Neaves.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, and Bunch.

Section 3 of Article — was now read.

Mr. Massey moved to amend said section by striking out all thereof after the word "thereby," in the second line, and insert "except such as may be hereinafter excepted."

Which was read twice, and agreed to.

Section 3 as amended, was then agreed to.

Mr. Polk moved to amend said article by striking out sections 4, 5, 6, 9, 10, 11, 12, 13 and 14.

Which was read twice. When,

The question was divided,

And was put first, "shall section 4 be stricken out?"

And passed in the negative,

} Ayes 28

} Noes 28

The ayes and noes being demanded by Messrs. Shields and Brooking,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bevitt, Buford, Farquhar, Fulkerson, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Newton, Kincheloe, Leslie, Massey, Mitchell, Morrow, Nickel, Pannell, Pipkin, Polk, Porter, Simpson, Slack, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Bassett, Broadhead, Brooking, Campbell, Ewing, Finch, Forshey, Foster, Gentry, Hickman, Hunt, Hunter, Hyatt, Jones of Franklin, Marmaduke, Pitt, Shields, Simonds, Stewart, Stone, Thomas, Tong, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Brown, Coalter, and Davis.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock, Bunch, Jones of Scotland, McHenry, and Neaves.

Mr. Griffin now moved “that the Convention do adjourn.”

And the question was put,

And passed in the negative.

Mr. Griffin then moved a call of the Convention.

And the question was put “shall there be a call?”

And passed in the negative.

On motion of Mr. Campbell;

Resolved, That the enrolling committee be authorized to employ any assistants that may be necessary to expedite the business of enrollment.

The Convention then adjourned.

TUESDAY MORNING, JANUARY 13.

On motion of Mr. Jackson of Howard,

The reading of the Journal of yesterday was dispensed with.

Mr. Bevitt moved the following resolution:

Resolved, That the President and Secretary be continued in office for two weeks after the adjournment of this Convention, for the purpose of superintending the publication and distribution of the Journals, and of the new Constitution, and of preparing an Index to the Journals.

On motion of Mr. Shields,

Ordered, That said resolution do lie on the table for the present.

A motion was made by Mr. Jones of Franklin,
 "That the vote of yesterday, refusing to agree to so much of Mr. Polk's amendment to the Article reported by the committee on the Schedule, as proposes to strike out Section 4, be now reconsidered."

And the question was put,

And passed in the affirmative.

The question was then again put, "shall Section 4 be stricken out?"

Ayes, ... 34

And passed in the affirmative,

Noes, ... 24

The ayes and noes being demanded by Messrs. Thomas and Shields,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bevitt, Brown, Buford, Bunch, Davis, Farquhar, Fulkerson, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Porter, Simonds, Simpson, Slack, Tong, and Wilcoxson.

Those who voted in the negative are,

Messrs. Anderson, Bassett, Broadhead, Brooking, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Marmaduke, Pitt, Shields, Stewart, Stone, Thomas, Ward, Wells, Woodson, and Wright.

Absent—Messrs. Hunter, Neaves, Polk, and Young.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Mr. Acock.

Excused from voting—Mr. President.

The Convention now resumed the second reading of said Article.

The question on agreeing to Mr. Polk's amendment having been yesterday divided,

Was now put, *secondly*, "shall section 5 be stricken out?"

Ayes 34

And passed in the affirmative,

Noes 26

The ayes and noes being demanded by Messrs. Shields and Brooking,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bevitt, Brown, Buford, Bunch, Davis, Farquhar, Fulkerson, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton,

Jones of Scotland, Kincheloe, Leslie, Massey, Mitchell, Morrow, Neaves, Nickel, Pannell, Porter, Simonds; Simpson, Slack, Stewart, Tong, and Wilcoxson.

Those who voted in the negative are,

Messrs. Anderson, Bassett, Broadhead, Brooking, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Marmaduke, McHenry, Pipkin, Pitt, Shields, Stone, Thomas, Ward, Wells, Woodson, Wright, and Mr. President.

Absent—Messrs. Hunter, Polk and Young.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

The question was put, *thirdly*, “shall section 6 be stricken out?”

And passed in the affirmative;	{	Ayes	36
		Noes	24

The ayes and noes being demanded by Messrs. Shields and Brooking,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bevitt, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Fulkerson, Gibbony, Green, Griffin, Horine, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Porter, Simonds, Simpson, Slack, Stewart, Tong, and Wilcoxson.

Those who voted in the negative are,

Messrs. Anderson, Bassett, Broadhead, Brooking, Campbell, Ewing, Finch, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Marmaduke, McHenry, Shields, Stone, Thomas, Ward, Wells, Woodson, Wright, Young, and Mr. President.

Absent—Messrs. Hunter, Mitchell and Polk.

Absent, with leave—Messrs. Branstetter, and Cannon.

Sick—Mr. Acock.

The question was put, *fourthly*, “shall Section 9 be stricken out?”

And passed in the affirmative;	{	Ayes	37
		Noes	25

The ayes and noes being demanded by Messrs. Shields and Thomas,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bevitt, Brown, Buford, Davis, Farquhar, Fulkerson, Gibbony, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Porter, Simonds, Simpson, Slack, Stewart, Tong, and Wilcoxson.

Those who voted in the negative, are,

Messrs. Anderson, Bassett, Broadhead, Brooking, Bunch, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Marmaduke, Pitt, Shields, Stone, Thomas, Ward, Wells, Woodson, Wright, Young, and Mr. President.

Absent—Mr. Polk.

Absent, with leave—Messrs. Branstetter and Canhon.

Sick—Mr. Acock.

The question was, *fifthly*, “shall Section 10 be stricken out?”

When,

Mr. Jones of Newton moved to amend as follows:

Insert the following in lieu of Section 10, to wit:

“Section ——. On the first Monday in October, in the year eighteen hundred and forty-seven, an election shall be held for judges of the circuit court, and clerks of the circuit and county courts. The judges and clerks shall enter upon the duties of their respective offices on the first Monday in January succeeding their election.”

Which was rejected.

Mr. McHenry moved to amend Section 10, by striking out the words “there shall be an election for such officers, which shall be on the first Monday in September,” in the third line.

Which was agreed to.

Mr. Applegate moved to amend Section 10, as follows:

Strike out the words “and for clerks of the circuit and county court,” in the second line.

Which was rejected.

Mr. Polk now withdrew so much of his amendment as proposed to strike out Section 10;

Whereupon,

Section 10, as amended, was agreed to.

The question was then put, *sixthly*, “shall Section 11 be stricken out?”

And passed in the affirmative.

The question was put, *seventhly*, “shall Section 12 be stricken out?”

And passed in the affirmative;

{	Ayes	39
	Noes	22

The ayes and noes being demanded by Messrs. Broadhead and Brooking,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Fulkerson, Gibboney, Green, Griffin, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, McHenry, Mitchell, Morrow, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Simonds, Simpson, Slack, Stewart, Tong, Wilcoxson, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Bassett, Broadhead, Brooking, Campbell, Ewing, Finch, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Marmaduke, Shields, Stone, Thomas, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Bevitt, and Neaves.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Mr. Acock.

The question was, *eighthly*, “shall Section 13 be stricken out?”

When,

Mr. Jackson of Howard moved to amend said section, by striking out all after the word “same” in the third line;

Which was agreed to.

Whereupon,

Mr. Polk withdrew so much of his amendment as proposes to strike out Section 13.

The said section, as amended, was then agreed to.

The question was put, *ninthly*, “shall Section 14 be stricken out?”

And passed in the affirmative

A motion was then made by Mr. Massey, “that Section 15 be stricken out?”

And the question being put,

Passed in the affirmative.

Mr. Jones of Newton now moved to amend said Article ——— by adding thereto the following section, to wit:

Section ——. Immediately after the ratification of this Constitution, the judges of the supreme court shall determine by lot, the times at which they shall severally go out of office; one of whom shall go out on the fourth Monday in November, eighteen hundred and forty-six; another in four years thereafter; and the third in eight years after the first: a certificate of which, under the hands of the several judges, shall be filed in the office of the Secretary of State, on or before the time above directed for the vacation of the office of the first judge. And should

the judges neglect to file the same pursuant to the provisions of this section, it shall be the duty of the Attorney General, Secretary of State, and Auditor of Public Accounts, immediately after the fourth Monday of November, eighteen hundred and forty-six, to make such determination, by lot, for the several judges, and file a certificate thereof in the office of the Secretary of State. And the Governor shall immediately make such appointment, and fill such vacancy, pursuant to the provisions of this Constitution.

Which was read twice;

When,

Mr. Ward moved to amend the amendment by striking out the words "forty-six," and inserting in lieu thereof the words "forty-eight."

And under the operation of the previous question,

The question was put, "shall the amendment to the amendment be agreed to?"

And passed in the affirmative;

{ Ayes	35
{ Noes	24

The ayes and noes being demanded by Messrs. Jones of Newton and Shields,

Those who voted in the affirmative, are,

Messrs. Anderson, Applegate, Broadhead, Brooking, Brown, Bunch, Campbell, Coalter, Davis, Ewing, Finch, Forshey, Foster, Gentry, Hickman, Hunt, Hyatt, Marmaduke, McHenry, Pitt, Polk, Shields, Simonds, Simpson, Stewart, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Buford, Farquhar, Fulkerson, Gibbon, Green, Griffin, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Mitchell, Morrow, Nickel, Pannell, Pipkin, Porter, and Slack.

Absent—Messrs. Bassett, Bevitt, Horine, and Neaves.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

So the amendment to the amendment was agreed to.

The question was then put, "shall the amendment, as amended, be agreed to?"

And passed in the affirmative.

Mr. Leslie moved to amend said Article —, by adding the following, to come in as sections 4 and 5, to wit:

Section 4. On the first Monday in August, one thousand eight hundred and forty-six, at the several election precincts in this State, the judges thereof shall cause two columns to be opened, headed, one "for the Constitution," the other "against the Constitution," and cause the vote of each voter to be set in the appropriate column, and certify the votes, so given, to the clerks of the several county courts, who shall certify the same to the Secretary of State, in the same manner, and with the like restrictions, that they are now required to certify the votes given for governor and lieutenant governor of this State.

Sec. 5. It shall be the duty of the governor to lay before the general assembly, on the first day of their regular session in the year eighteen hundred and forty-six, the vote for ratifying or rejecting said Constitution, and if it shall appear to the general assembly, in joint meeting, that a majority of all the votes given have accepted the Constitution, they shall, within the first ten days of the session, by joint resolution, declare said Constitution to be the supreme law of the State, and the former Constitution shall be abolished.

Which was read twice, and agreed to.

Mr. Slack moved to amend by adding at the end of said Article —, the following words, to wit:

"Done by the representatives of the people of the State of Missouri, in Convention assembled, at the City of Jefferson, on the — day of January, in the year of our Lord, one thousand eight hundred and forty-six, and of the independence of the United States of America, the seventieth."

Which was read twice, and agreed to.

Section 7 of said Article —, was then read.

Mr. Nickel moved to amend said section, "so as to give to the counties of Holt and Atchison, one representative each, instead of one jointly."

Which was read and rejected.

Mr. Green moved to amend Section 7, as follows:

Strike out the words,

Adair and Schuyler one,

Putnam and Sullivan one,

And insert the following:

Schuyler one,

Adair and Putnam one

Sullivan one.

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, "Shall the amendment be rejected?"

And passed in the affirmative.

Mr. Nickel moved to amend Section 7, so as to give the county of Andrew two representatives.

Which was read and rejected.

Mr. Simonds moved to amend said Section, as follows:

Strike out the words,

Grundy and Mercer one,

And insert the words,

Grundy one,

Mercer one.

Which was read, and rejected.

Mr. Tong moved to amend Section 7, as follows:

Strike out the words,

Shannon, Ripley and Reynolds one,

Oregon and Texas one,

Wright one,

And insert the words,

Wright and Texas one,

Shannon and Reynolds one,

Ripley and Oregon one.

Which was read twice, and agreed to.

The question was now put, "shall section 7, as amended, be agreed to?"

And passed in the affirmative,	{ Ayes 40
	{ Noes 16

The ayes and noes being demanded by Messrs. Griffin and Simonds,

Those who voted in the affirmative, are,

Messrs. Alexander, Applegate, Bevitt, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Coalter, Davis, Ewing, Finch, Foster, Gentry, Gibbony, Hunt, Hunter, Hyatt, Jackson of Howard, James, Jones of Franklin, Marmaduke, Massey, Mitchell, Morrow, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Thomas, Tong, Ward, Wells, Woodson, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Farquhar, Fulkerson, Green, Griffin, Hickman, Jackson of Randolph, Jones of Newton, Jones of Scotland, Kincheloe, McHenry, Nickel, Simonds, Slack, Stewart, and Wilcoxson.

Absent—Messrs. Bassett, Forshey, Horine, Leslie, Pannell, and Stone.

Absent, with leave—Messrs. Branstetter, and Cannon.

Sick—Messrs. Acock and Neaves.

Section 8 was then read.

Mr. Massey moved to amend said section, as follows:

"Strike out Section 8."

Which was read, and objected to.

And under the operation of the previous question,

The question was put "Shall the amendment be rejected?"

And passed in the affirmative;	{	Ayes	44
		Noes	14

The ayes and noes being demanded by Messrs. Ewing and Ward,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bevitt, Broadhead, Brooking, Brown, Buford, Bunch, Campbell, Davis, Ewing, Farquhar, Finch, Forshey, Foster, Gentry, Gibbony, Green, Hickman, Hunter, James, Jones of Newton, Jones of Scotland, Marmaduke, McHenry, Mitchell, Morrow, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Slack, Stone, Thomas, Tong, Ward, Wells, Wilcoxson, Woodson, Wright, and Young.

Those who voted in the negative are,

Messrs. Applegate, Coalter, Fulkerson, Griffin, Hunt, Jackson of Howard, Jackson of Randolph, Jones of Franklin, Kincheloe, Massey, Nickel, Simonds, Stewart, and Mr. President.

Absent—Messrs. Bassett, Horine, Hyatt and Leslie.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Messrs. Acock and Neaves.

Mr. Pipkin moved to amend Section 8, as follows:

Strike out the word “and” between “Washington” and “Jefferson,” and the word “one,” and insert in place of one, the word “two.”

Which was read, and objected to.

And, under the operation of the previous question,

The question was put, “shall the amendment be rejected?”

And passed in the affirmative.

The previous question was now demanded,

And, under its operation,

The question was put, “shall Section 8 be agreed to?”

And passed in the affirmative.

The question was then put, and, under the operation of the previous question, “shall Article —, as amended, be agreed to?”

And passed in the affirmative.

Article — was then considered as engrossed, and was read a third time by its title.

Whereupon,

Mr. Hickman moved to amend by ryder, as follows:

Insert as Section 7, the following Section, to wit:

Section 7. The next session of the General Assembly, which is to meet in the year eighteen hundred and forty-six, shall not last more than thirty days.

Which was read, and objected to.

And thereupon,
The question was put, "shall the ryder be rejected?"

And passed in the negative;

{	Ayes	25
	Noes	36

The ayes and noes being demanded by Messrs. Finch and Hickman,

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Buford, Bunch, Farquhar, Gibbony, Green, Griffin, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Leslie, Massey, Morrow, Neaves, Pannell, Simonds, Slack, Stewart, Wilcoxson, and Mr. President.

Those who voted in the negative are,

Messrs. Anderson, Bassett, Bevitt, Broadhead, Brooking, Brown, Campbell, Coalter, Ewing, Finch, Forshey, Foster, Fulkerson, Gentry, Hickman, Hunt, Hunter, Hyatt, Marmaduke, McHenry, Mitchell, Nickel, Pipkin, Pitt, Polk, Porter, Shields, Simpson, Stone, Thomas, Tong, Ward, Wells, Woodson, Wright, and Young.

Absent—Messrs. Davis, and Horine.

Absent with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

The ryder was then read a second and third time, and was adopted.

Mr. James moved to amend by ryder, as follows:

Add, at the end of Section 5, the following, to wit:

Provided, That immediately after the said Constitution shall be declared the organic law of the land, the members of both houses of the general assembly, and all other officers who are continued, who are elected or appointed under the old Constitution, shall take an oath to support the new Constitution.

Which was read thrice, and adopted.

Mr. Wilcoxson moved to amend by ryder, as follows:

Amend Section 7, by striking out the words,

"Harrison one,"

"Grundy and Mercer one,"

And insert, in lieu thereof, the words:

"Harrison and Grundy one."

"Mercer one."

Which was read thrice and adopted.

Mr. Bassett moved to amend by ryder, as follows:

Amend section 7, by striking out the words:

“Clinton and De Kalb one.”

And inserting,

“Clinton one.”

“De Kalb one.”

Which was read and objected to;

And, under the operation of the previous question,

The question was put, “Shall the ryder be rejected?”

And passed in the affirmative.

The question was now put,

Under the operation of the previous question,

“Shall Article —, as amended, be adopted.”

And passed in the affirmative.

The Convention then adjourned until 3 o'clock, P. M.

EVENING SESSION.

On motion of Mr. McHenry,

The resolution, moved by him on Saturday last, proposing to print
— copies of the Constitution, was taken up from the table.

Mr. Finch moved to fill the blank with the words “twenty thousand.”

Mr. Wright moved to fill the blank with the words “ten thousand.”

Mr. Simonds moved to fill the blank with the words “five thousand.”

The question was then put, “shall the blank be filled with the words twenty thousand.”

And passed in the affirmative.

The resolution, as filled up, was then agreed to.

Mr. Jones of Franklin moved the following resolution:

Resolved, That the Enrolled Constitution be signed by the members of this Convention, in the order of the Senatorial Districts which they represent, commencing with the first Senatorial District, and proceeding in numerical order.

Mr. Jones of Newton moved the following as a substitute for the foregoing resolution, to wit:

Resolved, That the Constitution, so soon as it shall be enrolled, shall be signed by the members of this Convention, in the order in which their names appear upon the roll: and that they shall sign their names as the Secretary calls them from the roll, in alphabetical order.

Which was adopted.

Mr. McHenry moved “that the proposition introduced by Mr. Brown, on Saturday last, as Article VII, be now taken up for a second reading.”

And the question being put,

Passed in the negative;

{ Ayes 22

{ Noes 31

The ayes and noes being demanded by Messrs. McHenry and Morrow,

Those who voted in the affirmative, are,

Messrs. Anderson, Broadhead, Brooking, Brown, Coalter, Ewing, Finch, Foster, Hickman, Hyatt, Marmaduke, McHenry, Morrow, Pitt, Porter, Shields, Slack, Stewart, Thomas, Tong, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Applegate, Bassett, Bevitt, Davis, Farquhar, Forshey, Fulker-son, Gibbony, Green, Griffin, Horine, Hunt, Hunter, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Massey, Mitchell, Nickel, Pannell, Pipkin, Polk, Simonds, Simpson, Stone, Ward, Wells, Wilcoxson, and Woodson.

Absent—Messrs. Alexander, Buford, Bunch, Campbell, Gentry, Jackson of Howard, Jackson of Randolph, Leslie, Neaves, and Young.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

Mr. Ward moved the following resolution:

Resolved, That the copies of the Constitution be distributed amongst the several counties according to the present representation; and that the printer put them up in packages, accordingly, for distribution; and the several members of this convention shall attend to the distribution amongst their constituents.

Which was rejected.

Mr. Marmaduke moved the following resolution:

Resolved, That at five o'clock this evening, the Constitution, as made by this Convention, be read, and the final vote of the Convention be taken by yeas and nays upon its adoption.

On motion of Mr. McHenry,

Ordered, That the foregoing resolution do lie on the table.

On motion of Mr. Applegate,

Resolved, That William S. Douglass be allowed fifteen dollars for his services in hoisting the flag over the hall of the Convention.

Mr. Slack moved the following resolution:

Resolved, That the Committee on Enrolled Articles be required to furnish the public printer with the revised articles of the Constitution, for the purpose of facilitating the printing thereof, and that said committee superintend said printing.

Which was rejected.

On motion of Mr. Forshey,

Resolved, That two hundred and twenty-five copies of the journals of this Convention be deposited with the Secretary of State, and that the next General Assembly be requested to have said journals bound and distributed as may by law be directed.

On motion of Mr. Ewing,

The vote of this evening, rejecting Mr. Ward's resolution—relative to the distribution of the copies of the constitution,—was re-considered.

Whereupon,

Mr. Ward modified said resolution so as to read as follows:

Resolved, That the copies of the Constitution be distributed among the several counties according to the present representation, and that the public printer put them up in packages, accordingly, for distribution, and deliver the same to the clerks of the county courts of each county in the State.

Mr. Stewart moved to amend the resolution, as modified, "so as to distribute among the several counties according to population, that the people of the several counties may see, by the number of journals distributed, the number of representatives to which they ought to be entitled."

Which amendment was rejected.

The resolution, as modified, was then adopted.

Mr. Campbell from the revising committee, reported as follows, to wit:

The committee on Revision report back Article XII, being "provisions to put the new Constitution into operation," with some slight amendments, affecting only the phraseology and arrangement, which are embodied in the Article as reported.

Whereupon,

Article XII was read for information, and the said amendments were agreed to.

Mr. Massey moved to amend by ryder, as follows:

Add to the end of the 13th section the words, "unless the public necessities may require a longer time."

Which was read and rejected.

Mr. Griffin moved to amend by ryder as follows:

In the 6th section, strike out the words, "Hickory one representative," and "Dallas one representative," and insert in lieu thereof, "Hickory and Dallas one representative."

Which was read and objected to.

And, under the operation of the previous question,

The question was put, "Shall the ryder be rejected?"

And passed in the affirmative.

The previous question was now demanded;

And, under its operation,

The rule being suspended,

The question was put, "shall Article XII be now read finally?"

And passed in the affirmative.

Whereupon,

The said Article was read finally.

And then, under the operation of the previous question,

The question was put, "shall Article XII be enrolled as a part of the Constitution?"

And passed in the affirmative.

Mr. Campbell moved the following Preamble and Resolution to wit:

Whereas, It is understood that Edmund Flagg, Esq., has taken full and complete notes of all the debates and proceedings of this Convention, which may by him be prepared for publication. And,

Whereas, It is important and desirable to present a faithful and accurate record of the debates on the various provisions of the new Constitution, as a contemporaneous exposition of the same; and it is necessary and proper to lay before the people of the State, the reasons which have governed the action of this Convention; and as the preparation for the press and publication of a volume containing the debates and proceedings of said Convention would be attended with much labor and expense; *therefore*,

Resolved, That this Convention recommend to the General Assembly of this State to appropriate for the compensation of said Edmund Flagg, Esq., such sum as may be deemed an equitable and just compensation for his time and services, should he prepare from his own notes, from the notes of others, and from written speeches, a volume of the description above indicated, and cause the same to be published.

Which was read;

And, under the operation of the previous question,

The question was put, "shall the said preamble and resolution be adopted?"

And passed in the affirmative,

{	Ayes	33
	Noes	23

The ayes and noes being demanded by Messrs. McHenry and Jones of Franklin,

Those who voted in the affirmative are,

Messrs. Anderson, Applegate, Bassett, Bevitt, Broadhead, Brook-
ing, Brown, Campbell, Coalter, Davis, Ewing, Forshey, Foster, Gib-
bony, Green, Griffin, Hickman, Hunt, Hunter, Hyatt, Jones of New-
ton, Morrow, Pipkin, Pitt, Polk, Stone, Thomas, Ward, Wells, Wood-
son, Wright, Young, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Buford, Bunch, Fulkerson, Jackson of Howard,

Jackson of Randolph, James, Jones of Franklin, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell; Neaves, Nickel, Pannell, Porter, Simonds, Simpson, Slack, Tong, and Wilcoxson.

Absent—Messrs. Farquhar, Finch, Gentry, Horine, Leslie, Shields, and Stewart.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

On motion of Mr. Forshey,
Resolved, That the thanks of this Convention be hereby tendered to the President for the able, impartial, and diligent discharge of the arduous duties of his office.

On motion of Mr. Marmaduke,
 The resolution moved by him this evening, proposing to take the final vote on the Constitution at five o'clock, was taken up from the table.

Whereupon,

Mr. Marmaduke modified the said resolution by inserting after the word "read," the words "by its title."

The resolution, as modified, was then adopted;

And pursuant thereto,

The Constitution was read by its title,

And the question was put, "shall this Constitution be adopted?"

And passed in the affirmative,	{	Ayes	49
		Noes ...	13

Those who voted in the affirmative are,

Messrs. Alexander, Applegate, Bassett, Bevitt, Brown, Buford, Bunch, Coalter, Davis, Farquhar, Finch, Fulkerson, Gentry, Gibbony, Green, Horine, Hunt, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Tong, Ward, Wilcoxson, Woodson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Anderson, Broadhead, Brooking, Campbell, Ewing, Forshey, Foster, Griffin, Hickman, Hyatt, Thomas, Wells, and Young.

Absent—Mr. Leslie.

Absent, with leave—Messrs. Branstetter and Cannon.

Sick—Mr. Acock.

On motion of Mr. Jones of Franklin,

Resolved, That the thanks of this Convention are due to Claiborne F. Jackson for the faithful and efficient manner in which he has discharged the important duties which devolved upon him as Vice President of this Convention.

On motion of Mr. Bevitt,

Resolved; That the thanks of the Convention are hereby given to Robert Walker, Secretary, and William B. Baskett, Assistant Secretary of the Convention, for the faithful and prompt discharge of their duties.

On motion of Mr. Jones of Newton,

Resolved, That the thanks of this Convention are due to Richard B. Jackson for the faithful and efficient manner in which he has discharged the duties of the office of door-keeper.

On motion of Mr. Bevitt,

The resolution introduced by him this morning, providing for the continuance in office of the President and Secretary for two weeks after the adjournment, was taken up from the table.

The question was put, "shall said resolution be adopted?"

And passed in the affirmative.

On motion of Mr. Neaves,

Resolved, That the thanks of this Convention are due to the Rev. Mr. Hedges and the Rev. Mr. Lewis, for the manner in which they severally responded to the call of the Convention to open its deliberations with prayer.

Mr. Thomas moved that the final vote on the adoption of the Constitution, be attached to and published with that instrument, instead of the signatures of the members.

The President decided this motion to be out of order.

Mr. Thomas then moved "that the rule be suspended so as to admit said motion."

And, under the operation of the previous question,

The question was put, "shall the rule be suspended?"

And passed in the negative.

Mr. Anderson moved the following resolution,

Resolved, That the final vote on the adoption of the Constitution, as taken by ayes and noes, be appended to, and published with that instrument.

Which was read,

And, under the operation of the previous question,

The question was put, "Shall the resolution be adopted?"

And passed in the negative,

{	Ayes	25
	Noes	34

The ayes and noes being demanded by Messrs. Anderson and Stone,

Those who voted in the affirmative, are,

Messrs. Anderson, Broadhead, Brooking, Campbell, Ewing, Far-

quhar, Forshey, Foster, Griffin, Hickman, Hunt, Hyatt, Jones of Franklin, Jones of Newton, Massey, McHenry, Mitchell, Slack, Stewart, Stone, Thomas, Wells, Woodson, Wright, and Mr. President.

Those who voted in the negative, are,

Messrs. Alexander, Applegate, Bassett, Bevitt, Brown, Buford, Bunch, Coalter, Finch, Fulkerson, Gibbony, Green, Horine, Hunter, Jackson of Howard, Jackson of Randolph, James, Jones of Scotland, Kincheloe, Marmaduke, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Polk, Porter, Simonds, Simpson, Tong, Ward, Wilcoxson, and Young.

Absent—Messrs. Davis, Gentry, Leslie, and Shields.

Absent with leave—Messrs. Branstetter, and Cannon.

Sick—Mr. Acock.

On motion of Mr. Simpson,

Resolved, That the President be authorized to sign the Constitution, when enrolled, for and in the name of such members as may authorize him, in writing, so to do.

Mr. Polk moved the following resolution,

Resolved, That the vote upon the final adoption of the Constitution, by ayes and noes, be attached to the two copies of the Constitution ordered by the Convention to be enrolled.

Which was rejected,

The Convention then adjourned.

WEDNESDAY MORNING, JANUARY 14.

On motion of Mr. Shields,

Resolved, That the President be authorized to audit and allow all accounts for printing, &c., for the Convention, remaining unsettled.

On motion of Mr. Forshey,

Resolved, That the Secretary of State be instructed to deposit one of the enrolled copies of the new Constitution, in the archives of the University of this State, as soon after the fourth of July, 1846, as may be convenient.

On motion of Mr. Young,

Resolved, That the members of the Convention, when they sign the Constitution, shall write after their names, the counties in which they live.

Mr. Bevitt, from the committee on Enrolled Propositions, reported:

That the Memorial to Congress upon the subject of the Northern Boundary, has been enrolled, pursuant to the order of the Convention, and is herewith submitted.

Whereupon, the said Memorial was signed by the President, and attested by the Secretary.

Mr. Bevitt, from the committee on Enrolled Propositions, reported:

That the Ordinance concerning the Southwestern Boundary, has been carefully enrolled under the supervision of the committee, and they herewith submit it for the final action of the Convention.

Whereupon, the said Ordinance was signed by the President and attested by the Secretary.

Mr. Bevitt, from the Enrolling committee, made the following report:

Mr. President:

The committee to whom was entrusted the duty of causing the New Constitution to be enrolled, beg leave to report:

That in accordance with the resolution of the Convention, they have caused two copies of the New Constitution to be enrolled upon parchment—that they have diligently and carefully compared them with the Articles as reported by the committee of Revision—that they find them to be correct in every particular; and they beg leave, herewith to submit them for the final action of the Convention.

On motion,

The reading of the new Constitution was dispensed with.

On motion,

The vote of this morning, adopting the resolution of Mr. Young, requiring members, in signing the Constitution, to write the names of their counties after their signatures, was reconsidered;

And thereupon,

Mr. Coalter moved to amend said resolution, by adding thereto the words "or districts."

Mr. Jones of Newton moved that the resolution and amendment do lie on the table.

And the question being put,

And passed in the negative.

The said amendment was then agreed to.

And the resolution, as amended, was adopted.

The New Constitution was then signed by the President.

Under the resolution of yesterday, and by virtue of the following power of Attorney, the President signed, as the roll was called, the names of the members thereto affixed.

The said power of Attorney is in the words following, to wit:

We hereby authorize and empower, in the fullest manner, the President of the Convention to sign our respective names to the Constitution when enrolled.

Given under our hands and seals this 13th day of January, 1846.

DUKE W. SIMPSON, ... [Seal.]

THOMAS B. NEAVES, ... [Seal.]

N. C. MITCHELL,.....[Seal.]
 M. M. MARMADUKE,.....[Seal.]
 JONATHAN M. BASSETT,.....[Seal.]
 JOSHUA GENTRY,.....[Seal.]
 JAMES M. FULKERSON,.....[Seal.]
 JOSEPH B. NICKEL.....[Seal.]
 FREDERICK HYATT,.....[Seal.]
 JOHN BUFORD,.....[Seal.]

The roll was now called, and the following members signed the Constitution, in duplicate, to wit:

MR. PRESIDENT, and

Messrs. Alexander, Applegate, Bassett, Bevitt, Broadhead, Brown, Buford, Bunch, Campbell, Coalter, Davies, Farquhar, Finch, Forshey, Fulkerson, Gentry, Giboney, Green, Hickman, Horine, Hunt, Hunter, Hyatt, Jackson of Howard, Jackson of Randolph, James, Jones of Franklin, Jones of Newton, Jones of Scotland, Kincheloe, Marmaduke, Massey, McHenry, Mitchell, Morrow, Neaves, Nickel, Pannell, Pipkin, Pitt, Porter, Shields, Simonds, Simpson, Slack, Stewart, Stone, Tong, Ward, Wells, Wilcoxson, Wright, and Young.

The two copies of the Constitution were then attested by the Secretary and Assistant Secretary.

On motion of Mr. Campbell,

Resolved, That the President of the Convention shall cause the copies of the Constitution, and of the Journals printed for distribution, to be delivered or sent to the members of the Convention, wherever they are willing to receive the same for the purpose of distribution; and that whenever such copies are sent to the clerks of courts, they shall distribute them among the citizens of their respective districts, in such manner as shall be directed by the members of the Convention from the district; and that it be recommended to the next General Assembly, to make a fair compensation for the expenses of distribution.

On motion of Mr. Campbell,

Resolved, That there be allowed to Hiram H. Baber, for his services as assistant clerk, the same pay that is allowed, per day, to the Secretary of the Convention.

And then, at Eleven o'clock and thirty minutes, A. M.,

On motion of Mr. Jones of Newton,

The Convention adjourned without a day.

R. W. WELLS,
President of the Convention.

Attest,

R. WALKER,

Secretary.

APPENDIX.

REPORT OF COMMITTEE ON ELECTIONS.

FRIDAY, NOV. 28, 1845.

Mr. President,—

The committee on Elections, whose duty it was to examine and report upon the credentials of the members of the Convention, have had the same under consideration, and have instructed me to make the following

REPORT:

The members elect to the Convention, as appears from the certificates made out by the Clerks of the proper counties, and by the Secretary of State, are—

From 1st District,	Edwin D. Bevitt and John D. Coalter.
2nd “	Ezra Hunt and James O. Broadhead.
3rd “	Thomas L. Anderson and Joshua Gentry.
4th “	James S. Green and James L. Jones.
5th “	John C. Griffin and Moses H. Simonds.
6th “	Joseph B. Nickel and James M. Fulkerson.
7th “	Jonathan M. Bassett and Robert M. Stewart.
8th “	John E. Pitt, Daniel Branstetter, Thompson Ward, and Roland Brown.
9th “	William Y. Slack and Hiram Wilcoxson.
10th “	C. F. Jackson and Lisbon Applegate.
11th “	Hancock Jackson and Elias Kincheloe.
12th “	David M. Hickman and John F. Stone.
13th “	Benjamin Young and A. O. Forshey.
14th “	James W. Morrow and Robert W. Wells.
15th “	Charles Jones and Joseph B. Wells.
16th “	James Farquhar, William M. Davis, William B. Pannell and Phillip Pipkin.

17th	District,	Thomas M. Horine and Corbin Alexander.
18th	"	Franklin Cannon and David Porter.
19th	"	Abram Hunter and Robert Gibbony.
20th	"	John Buford and Theodore F. Tong.
21st	"	Thomas B. Neaves and Burton A. James.
22nd	"	William C. Jones and Benjamin F. Massey.
23rd	"	Robert E. Acock and Samuel H. Bunch.
24th	"	John McHenry and Aaron Finch.
25th	"	Duke W. Simpson, Nathaniel J. Mitchell, Thompson M. Ewing, and Samuel H. Woodson.
26th	"	M. M. Marmaduke and William Shields.
27th	"	F. W. G. Thomas and Charles M. Brooking.
28th	"	William M. Campbell, Uriel Wright, Frederick Hyatt, Trusten Polk, Miron Leslie and Joseph Foster.

PHILIP PIPKIN,
Chairman.

REPORT OF SELECT COMMITTEE ON BOUNDARIES.

THURSDAY, Nov. 20, 1845.

Mr. President,—

The select committee, to whom were referred so much of the present Constitution as relates to the south and west boundary lines of the State, have had the subject under consideration, and have instructed me to

REPORT:

That an alteration of the present west boundary line of the State, is imperiously demanded by the wants and interests of a large portion of the citizens of south-western Missouri. The object of the proposed alteration is to extend the boundary of the State due west so as to include all that tract of land lying between the present west boundary line, and the Neosho or Grand river of the Arkansas, and Spring river. The acquisition of this territory is necessary to that portion of our State, in order to secure the means of navigation. The counties of Barry, Dade, Greene, Jasper, Lawrence, Polk and Newton, would be greatly benefitted by it; and the largest population, and the most wealth and enterprise in south-western Missouri, are contained within these counties. They possess a fertile and productive soil, and a climate unsurpassed in salubrity. They raise a large amount of surplus produce, which in most of these counties is either carried to market a great dis-

tance in wagons, perishes on their hands, or is sold at home at great sacrifice. Newton and Jasper counties only have a precarious flat boat navigation, which is at present restricted by the 20th section of the act of Congress, entitled "an act to regulate intercourse with the Indian tribes." The nearest and most natural outlet to market for these counties, is through the Neosho or Grand river, and they are debarred from the advantages of that fine navigable river, owing to the reason that it lies exclusively within the Indian country. The Neosho approximates the western border of Newton county, within four miles, at the mouth of Lost creek. Most of these counties are at present destitute of the means of transportation to market. Their citizens are tantalized with the prospect of navigation at their doors. A noble river is sweeping our very borders; produce is perishing on the hands of our citizens; they reap an inadequate reward for their labor, because, under existing circumstances, the navigation of that river can avail them but little.

The Neosho is a noble river; having its source in the great central table lands of the west, it flows through vast prairie plains east southeast a distance of near 300 miles, until it approaches within about four miles of our western border, where it receives Spring river, (sometimes called Pomme de Terre,) flowing from the north, and Lost creek from the East. The course of the river then bears south about fifteen miles until it unites with the Elk or Cowskin river from the east; from thence it flows in a direction south of west, about one hundred miles, and discharges its waters into the Arkansas below Fort Gibson. From the mouth of Lost creek and Spring river, the Neosho can be navigated by steamboats in any ordinary stage of water, to the Arkansas, and by flat boats at all seasons of the year. This point is within the territory settled by the Seneca Indians. It is the head of successful steamboat navigation, and is naturally the most important point on our southwestern border. The country included within the limits proposed as an alteration of the boundaries, and which is at present inhabited by a few remnants of Indian tribes, is most important to the people of southwest Missouri. Its acquisition would tend greatly to develop their resources, and is the only measure which could effectually do so; it is a *sine qua non* to the prosperity of a portion of our State, larger and more fertile than Connecticut and Rhode Island combined.

The country dependent on the Neosho as an outlet to market, covers a superficial area of several thousand square miles, with a population exceeding 20,000 inhabitants, and which is rapidly increasing; but their navigable river, and their only point of business, are within the hands of a race upon our border, who are destitute of enterprise and industry. The river does not benefit them; with vast capabilities of navigation, it is flowing idle and useless along our border. It cannot benefit us; we own neither the soil nor the river, and cannot intrude on the Indian tribes. These remnants of tribes occupy a district of country beautiful and fertile in the extreme. That portion which is proposed to be added to the State of Missouri, extends from the parallel of 36° 30' north latitude, to the point where the present west boundary line of the State strikes Spring river, below the mouth of the North Fork; its length is about fifty miles, with an irregular breadth, varying from one

to fifteen miles; it is in the form of an irregular triangle, with its base on the south, occasioned by the curve of the Neosho below the junction of Lost creek. It covers a superficial area of about 350 square miles, and lies immediately west of the counties of Jasper and Newton. The total Indian population of this territory does not exceed that of a township of one of our south-western counties. According to the documents accompanying the President's last annual message to Congress, the aggregate population of these tribes, exclusive of Cherokees, (who are not numerous) is 932, and a large portion of them reside beyond Spring river. This number is rapidly diminishing. For the support of this meagre population, the government has assigned a large portion of rich and beautiful country, watered by a noble navigable river; their possession of which, cuts off the best navigable channel for several rich counties in the south-west, with an industrious population, and where agricultural resources are rapidly increasing.

The Indians who inhabit this territory are, it is understood by your committee, willing to treat it away, and, very probably, an effort will be made during the ensuing year to accomplish this very desirable object.

That Congress will assent to this extension of our boundary, your committee confidently anticipate, whenever made sensible of its importance to our State.

The addition of the proposed territory would make the Neosho and Spring river our western boundary a considerable distance, and give our people great navigable facilities. It would at once give an impetus to agriculture, trade, and business in the south-west. It would be important in its consequences to the whole State, by an acquisition of fertile territory and an increase of population, and a consequent increase of revenue. It would extend a dense settlement of hardy pioneers westward and strengthen our frontier.

Your committee consider that the proposition to extend our boundaries can be made by the State to the General Government for its assent, with as much effect as if the proposition was first made by the General Government. It is in the nature of compact,—a treaty between two sovereign powers, and the overture and proposition of one, and the consent and ratification of the other, makes it effectual and obligatory.

Your committee have therefore instructed me to report the following proposition, to come in as a second section to the first Article of the Constitution, in relation to boundaries, and to recommend its adoption by the Convention.

JONES, of Newton,
Chairman.

REPORT OF COMMITTEE ON BOUNDARIES.

WEDNESDAY, NOVEMBER 26, 1845.

Mr. President :

The committee on Boundaries, to whom was referred the report of the select committee on the South and West Boundary Lines of the State, together with the proposition to extend the western boundary line reported by said committee, have had the same under consideration, and find that an extension of the boundary line of the State due west, so as to make Neosho and Spring rivers the boundary on a portion of our western line, would be a great advantage to the people of South-Western Missouri, by securing to them the navigation of those rivers ; and have, therefore, instructed me to report the report of the select committee aforesaid to the Convention, with the recommendation that it be printed in the appendix to the journal of the Convention, for the information of the people of this State, on that subject ; and have also instructed me to report the accompanying ordinance, as a substitute for the proposition to them referred, and to recommend to the Convention the adoption of the same : the committee also ask to be discharged from the further consideration of the subject

JONES, of Newton.

REPORT OF COMMITTEE ON BOUNDARIES.

WEDNESDAY, NOVEMBER 26, 1845.

Mr. President :

The committee on Boundaries, to whom was referred so much of the present Constitution as relates to the boundaries of the State, with instructions to report whether any alterations of the present Constitution are required, in relation to the boundaries of the State, and if so, what alterations are required,—have had the subject under consideration, and instructed me to report the first Article of the Constitution to the Convention, without any alteration except that which is necessary to include the Platte purchase ; and the clause introduced for that purpose, is based upon the 4th section of the amendments to the Constitution ratified in 1834, and the act of Congress of June the 7th, 1836 ; all of which is respectfully submitted, and the adoption of the article recommended.

THOS. L. ANDERSON,

Chairman.

REPORT OF THE COMMITTEE ON THE MILITIA.

MONDAY, NOVEMBER 24, 1845.

The Military committee, pursuant to the authority in them vested by the Convention, have taken under consideration that portion of the Constitution which relates to the militia of this State, and have directed me to report the following three sections, in lieu of the provisions contained in the 9th Article of the present Constitution, as the result of their deliberations; which is most respectfully submitted.

THOMSON WARD,
Chairman.

REPORT OF THE COMMITTEE ON EDUCATION.

WEDNESDAY, NOVEMBER 26, 1845.

Mr. President :

The committee to whom was referred that part of the Constitution relating to Education, with instructions to inquire whether the same needs any alterations, and if so, what alteration, beg leave to

REPORT :

That in preparing a plan to be submitted to the Convention, their chief aim has been to form a constitutional system of Education which shall operate energetically and effectually in the developement of the moral and intellectual faculties of the youth of our State, in the general diffusion of knowledge among the people, and in imbuing the public mind with a love of learning.

They propose to leave the 1st section of Article 6 as it now stands in our present Constitution, with only such unimportant variation as is necessary to make it conform to the main features of the plan they have adopted.

They also propose to create, by constitutional provision, from the sources specified in section 4 of the article they offer, a permanent fund, which shall be considered as a loan to the State, and upon which the State shall pay an annual interest of six per cent., to be inviolably appropriated to the support of free public schools, to be established by the Legislature throughout the length and breadth of the State.

Your committee hope that such an annual income, sacredly and invariably applied every year with economy and judgment, will at least go very far to meet the present wants of the citizens of our State in the all-important matters of education.

But, in order to meet any deficiency that may be found to exist, they also provide in the plan recommended by them, for taxation, by legislative enactment, upon property and upon poll. Your committee believe that such a provision in the Constitution will not only be received by the people of the State, when fairly presented to them, but will be welcomed by them as that feature in the system which is to give it the energy and effectiveness, in actual operation; from which its benefits will chiefly flow. For that system of education alone, can answer the end of developing and enlightening the public mind, which is so arranged as to interest the people in its favor and for its success. And it is a proposition too obvious and self-evident to need argument that a man will always take a deep interest in that for which he pays his money. Accordingly, your committee hold the opinion, that to provide at least in part for the encouragement and support of education and schools, by taxation, is to adopt an expedient which will always keep the public interest strongly enlisted in their behalf.

Your committee have also provided in section 3 of the plan they propose, to make it the duty of the Legislature to establish free public schools throughout the State. And they are fully persuaded that the public mind is sufficiently aroused to the importance of the subject of education, to deserve and demand the establishment of such a system as will effectually answer the end of bringing the advantages of education within the reach of every family and all the children of the State. They think it may be taken for granted, that all our citizens, with scarcely any exceptions, are convinced that the permanence of our system of representative government, and the purity of our free institutions, originating from and administered by the people themselves, must depend upon the wide spread, universal prevalence of knowledge and of sound principles and opinions. And all are equally convinced, that this result can only be produced by a system of education that shall extend free schools all over the State; that shall establish them in every neighborhood, and within easy access of every child in every family of our extended territory. Such a system, and such a system alone, will produce that practical and cordial equality among the children of all the citizens of the State, whatever may be their condition and circumstances in life, to which we must mainly look for the successful and lasting operation of our system of free government.

The committee, for the purpose of better insuring the faithful execution of the high trust reposed by the Congress of the United States in the State of Missouri, in granting her lands for founding and supporting a seminary of learning in our midst, and also for the purpose of more fully securing the promotion of literature and the arts and sciences, in the liberal manner, and to the extent required, both by the interest and honor of our people, have also designed by the plan they have projected, to create a perpetual fund, from the proceeds of the lands granted by the United States for the use of a seminary of learning, upon which the State shall pay annually, and without fail, an interest of six per cent., which shall be applied to the support and benefit of the State University now established by law.

And for the purpose of more fully perfecting the plan they offer, and more particularly with a view of providing a constitutional officer, whose duty it shall be to regulate, urge and direct the action of the entire system in all its departments and functions, they have made provision in the section of the article they are about to submit for the creating a superintendent of public schools.

Your committee, therefore, beg leave to submit to the Convention for its adoption, the following on the subject of education as article VI of the new constitution.

TRUSTEN POLK,
Chairman.

REPORT OF COMMITTEE ON BANKS AND CORPORATIONS.

THURSDAY, NOVEMBER 27, 1845.

The committee on Banks and Corporations, to whom was referred the 8th Article of the Constitution, have had the same under consideration, and, after bestowing upon the subject that reflection which its importance demanded, have instructed me to submit the following

REPORT :

Your committee do not believe that the fundamental principles of government should be changed without good cause, and it is rarely, if ever the case, that we find the people calling for and demanding reforms in their government until their oppressions become too heavy for longer endurance. In the opinion of your committee, a change in regard to the creation and further continuance of Banks and corporations in this State, is demanded by a large majority of its citizens. Acting under this conviction, and believing that the best interests of the State will be promoted by a reformation in this part of our organic law, your committee have agreed upon and herewith submit an article for the consideration of the Convention, and respectfully recommend its adoption, in lieu of the 8th Article of the present Constitution. The article submitted will, doubtless, be found imperfect in some, if not in many respects, owing somewhat to the great contrariety of opinion among the members of the committee, and in part to the absence of one of the members of the committee, who did not reach the city until yesterday. Imperfect, however, as it may be, your committee have thought they would better conform their action to the views of the Convention by submitting it at once, than by taking further time in attempting to perfect it.

It will be observed that the first section of the article proposed, is intended to prohibit, in future, the creation, renewal, or extension of any corporate body with banking or discounting privileges. To give at length the reasons which have influenced the committee to recommend this change, is deemed to be wholly useless in this report. Indeed, the

subject of banking is well understood; it has been so fully discussed before the whole American people, and the wrongs and injuries which have been inflicted upon the great masses by this pernicious system are so well comprehended by all, that your committee will not outrage the sensibilities of the Convention by attempting to enlighten its members with arguments upon a subject which has been so completely exhausted.

The second section, it will be perceived, is intended as a restriction upon the future legislation of the State in granting acts of incorporation, and to protect the people from the frauds and speculations which have been so long practiced upon them. The change proposed is unquestionably correct in principle, and must be so in practice. It imposes no hardship upon any; it only requires that the property of stockholders shall be liable for the debts of corporations of which they may be members, in the same manner that merchants are now responsible for the debts of a mercantile firm, of which they may be partners. And is there any thing improper or wrong in this? Surely not. Why then shall such distinctions longer exist? Why shall privileges be granted to one class of men and withheld from another, in a government where equal rights are intended to be secured to all alike?

When individuals engage in trade, and reap a profit therefrom, they are entitled to it by the laws of the country and upon the principles of common justice; when, on the contrary, they sustain losses, their property, not in part, *but in whole*, is liable to be sold to pay the losses so incurred, and this is right. Then your committee insist that these same principles of common justice and of common honesty shall be made to apply to members of corporations, or that the Legislature shall be prohibited from granting them charters altogether.

The third section is intended to prevent individuals and corporations from issuing checks, tickets, or other promissory notes, to circulate as money. Upon this branch of the subject there is so little diversity of opinion, and the absolute necessity of the restriction proposed so generally admitted, that your committee deem it unnecessary to say a word in its favor.

The fourth and last section of the article proposes to make it the duty of the next Legislature to wind up the affairs of the Bank of the State of Missouri, at the earliest practicable period, having a proper regard to the interests of the debtors of that institution. This last section has been proposed from the most thorough conviction on the part of your committee that the public good and common justice to the rising generation of the State alike require and demand it.

It is known to the Convention that the State of Missouri is the great stockholder in that institution, and that for the last several years it has received little or no dividends upon the funds therein invested. Of the stock of the Bank, the State owns \$954,205 22, which is a fraction over three-fourths of the whole amount of its capital stock; and of this amount, \$575,767 96 consists of the Common School Fund; \$100,000 of the Seminary or University Fund, and the balance, near \$280,000, is money borrowed by the State at about six per centum per annum.

The dividends declared by the Bank upon these several funds for the last six years, commencing in July, 1839, and running up to July, 1845, will be found to be for the whole six years, sixteen and one-half per centum, or about two and two-thirds of one per centum per annum; and from the first of January, 1843, to the first of July, 1845, a period of thirty months, the Bank has only declared a dividend of three per centum; and it is not a well settled question that the Bank has actually *made* the last dividend she has declared.

Was the money in the Bank only an ordinary fund, or was it money belonging to bankers, brokers, stockjobbers and gamblers, the *profits* of the Bank would be a matter of little interest to the people of Missouri; but when it is remembered that the principal part of this fund has been donated to the people of this State, and entrusted to their care for the high and sacred purposes of educating the poor children of the State; when too it is remembered that the hard working yeomanry of the State are annually taxed, and made to pay six per centum interest upon a fund which for the last three years has only yielded them a dividend of *one* per centum per annum; when again it is remembered that those who manage these funds are receiving enormously high salaries—have set at nought the laws of the land—disregarded the solemn instructions of the representatives of the people in their management, and thereby subjected the people to the heavy burdens under which they are laboring, it becomes, in the opinion of your committee, the solemn and imperative duty of the Convention, to have the affairs of the Bank brought to a close as speedily as possible, without doing injury to the people of the State; and to have the funds now in its custody, placed in the hands of agents that will be found less prodigal and more worthy of confidence.

Your committee believe the Convention has full power over the whole subject, and as to the propriety of exercising that power there certainly cannot be doubts, at this day, upon the minds of any.

All of which is respectfully submitted.

C. F. JACKSON,
Chairman.

REPORT OF COMMITTEE ON DECLARATION OF RIGHTS.

WEDNESDAY, November 26.

The committee on the Declaration of Rights, who were required to examine that part of the Constitution containing the Declaration of Rights, and to report such amendments thereto as they deemed neces-

sary, have had the subject under consideration, and after a mature deliberation thereon, have instructed me to make the following

REPORT :

That they regard the Declaration of Rights as an essential part of every Constitution or form of government instituted for the protection of human liberty. It is not sufficient to give the *form* merely in which the governing power shall be exercised ; but it is likewise necessary, to show to some extent at least, the *authority* with which it is invested. There must be some boundary line to restrain the government in her action ; and a limitation must or ought to be placed upon the ruling power, whatever may be the form or nature thereof, in order to prevent a despotism in practice, and which might disregard, if not totally destroy, the dearest and most sacred rights of the people. The discretion of all governments is necessarily great ; but from its liability to abuse in all free governments, it ought to be restricted within certain and well defined limits. Our State is absolutely sovereign in her character, subject to the restrictions imposed by the Constitution of the United States ; and as such her powers are so multitudinous, that it is impossible to specify every particular power with which she is invested, and which she may legitimately exercise.

The enumeration would be almost endless ; and hence, in order to impose restrictions and limitations, it is necessary to declare in some solemn form the great and essential principles of liberty, which are always to be held sacred and inviolable, and which are excepted out of the general powers of government. We cannot adequately fathom the depths of her ocean of power ; but we can say to her, "Thus far shalt thou come and no farther." With this view, we herewith submit the accompanying Declaration of Rights.

And in reference to this subject, our State government is unlike the government of the United States. Her powers are delegated, and consequently she can exercise no powers except such as are expressly granted, or such as are indispensibly necessary to carry into effect those that are expressly granted.

And yet some of our most eminent statesmen have expressed themselves in strong terms of disapprobation, because there was no Declaration of Rights in the Constitution of the United States.

Your committee, however, regard a Declaration of Rights as much more important in our State Constitution, than in the Constitution of the United States, for the reasons above stated.

Taking this view of the subject, your committee recommend the annexed Declaration of Rights as a reservation of the rights of the people.

But few changes are made, for the reason that your committee disapprove of mutations in government, except when there exists some real necessity for such change. Our institutions must have some stability, in order to command the respect and veneration of the people.

The 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22 sections are reported without amendment.

In section 13 a slight alteration is made in the 5th line, after the

word "searched," the word "or" is stricken out, and the word "and" substituted.

The committee have also added a section number 23, the design of which is to make clear to the people the character of the Constitution, as circumscribed by the limitations.

All of which is respectfully submitted.

A. HUNTER,

Chairman.

REPORT OF COMMITTEE ON LEGISLATIVE POWERS.

SATURDAY, NOVEMBER 29, 1845.

The committee to whom was referred that part of the State Constitution which treats of Legislative Powers, have considered the several subjects embraced therein with a care and attention commensurate with the importance of the several principles brought before them by that reference, and have instructed me to

REPORT:

That they have thought it proper to propose several material changes in that part of the Constitution.

Several of these changes are merely verbal, and are intended to leave the Constitution less uncertain as to the meaning of the language employed in it. Others are such as have become essential because of the growth of the population of the State, and the entire change in the size and circumstances of the community on which the Constitution is intended to operate.

The subject of representation has employed much of the time, and engaged the most anxious attention of the committee. It will be seen by the amendments proposed on this subject, that several material departures from the plan of the present Constitution, are recommended; and that the committee have endeavored by the best means they could adopt, by the most binding and certain language they could employ, to fix the basis of representation on the *number of the qualified electors of the State*.

The chairman deems it useless to go into an explanation of the reasons that have induced the committee to propose the changes which they have recommended.

1st, Because it would be a laborious task to embody all of them, and because it is believed they would influence very few of the members if so embodied.

The Convention is, therefore, referred to the report which is herewith submitted, for the particulars of the changes recommended by the committee.

Very respectfully,

F. CANNON,
Chairman.

REPORT OF COMMITTEE ON INTERNAL IMPROVEMENTS.

MONDAY, DECEMBER 1, 1845.

The committee on Internal Improvements, to whom was referred so much of the present Constitution as relates to that subject, have had the same under consideration, and have instructed me to report the accompanying substitute for the Seventh Article of the Constitution.

The committee have given to the subject of Internal Improvement that consideration which its importance demands.

The rich deposits of mineral wealth which are scattered throughout the length and breadth of the State; the inexhaustible fertility of our soil, so admirably adapted to the production of the great staples of agriculture, and our large and increasing population, all unite in urging the adoption of some system of improvement designed to develop the immense mineral and agricultural wealth of the State, and to open new avenues of social and commercial intercourse between different portions of our people.

Independent of the inestimable benefits which accrue to us from the navigation of the Missouri river, running as it does entirely through the centre of the State. We have the Osage, North Grand river, and several other streams, running through rich mineral and agricultural districts, and which only need improvements to render them easily and safely navigable for many miles.

To this may be added the facility and cheapness with which roads and railways may be constructed. The materials for their construction being found in great abundance in almost every portion of the State.

In availing ourselves of these advantages, and in improving them, we provide the means by which the productions of our soil, as also of our mines, may find a market; by this we give a stimulus to industry, encourage enterprise, invite and retain immigration, and thus add to the individual and general prosperity of the country.

Although your committee are fully aware of the deep interest felt by the people of many portions of our State on this subject; and although we are fully aware of the great benefits that would result to the State by the improvement of the several streams within the limits of the State, and the construction of roads, they are not prepared to recom-

mend the adoption of a plan of improvements, which would involve us in a heavy public debt.

We only desire that the means heretofore granted to the State by the General Government for purposes of Internal Improvement, should again be placed under the control of the Legislature; believing, as we do, that by a strictly economical application of those funds, many of the improvements now called for by the wants of the State, can be accomplished.

We therefore respectfully recommend to the Convention the adoption of the substitute submitted in lieu of the Seventh Article of the Constitution.

WILLIAM SHIELDS,
Chairman.

REPORT OF THE COMMITTEE ON THE PERMANENT SEAT OF GOVERNMENT.

WEDNESDAY, DECEMBER 3, 1845.

The committee on the Permanent Seat of Government, with instructions to report whether any alterations of the present Constitution are required in relation to the Permanent Seat of Government, and if so, what alterations are required, have had that subject under consideration, and a majority thereof have instructed me to

REPORT :

That, upon an examination of the subject, it is found that the Congress of the United States, by an act entitled "An act to authorize the people of Missouri Territory to form a Constitution and State government," &c., enacted, among other things, "that the following propositions be, and the same are hereby, offered to the Convention of said Territory of Missouri, when formed, for their free acceptance or rejection, which, if accepted by the Convention, shall be obligatory upon the United States :"

"*First.* That section numbered 16 in every township, and when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State, for the use of the inhabitants of such township for the use of schools."

"*Second.* That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said State for the use of said State, the same to be selected by the Legislature of said State, on or before the first day of January, 1825; and the same, when so selected, to be used under such terms, conditions, and regulations, as the Legislature of said State shall direct; *Provided*, That no salt spring, the right whereof now is, or hereafter shall be, confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State."

And provided also, that the Legislature shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress."

"Third. That five per cent. of the nett proceeds of the sale of lands lying within the said Territory or State, and which shall be sold by Congress, from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the State, under the direction of the Legislature thereof; and the other two-fifths in defraying, under the direction of Congress, the expense to be incurred in making a road or roads, canal or canals, leading to the said State."

"Fourth. That four entire sections of land be, and the same are hereby granted to the State, for the purpose of fixing their Seat of Government thereon, which said sections shall, under the direction of the Legislature of said State, be located, as near as may be, in one body, at any time, in such townships and ranges as the Legislature aforesaid may select, on any of the public lands of the United States: *Provided, that such locations shall be made prior to the public sale of the lands of the United States surrounding such location.*"

"Fifth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the other lands heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of said State, to be appropriated solely to the use of such seminary, by the said Legislature; *Provided, that the five foregoing propositions herein offered, are on the condition that the Convention of the said State shall provide, by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the State, whether for State, county, or township, or any other purposes whatever, for the term of five years from and after the day of sale; And further, that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt as aforesaid, from taxation for the term of three years from and after the date of the patents respectively.*"

It will be perceived that the proposition to grant to the State four sections of land for the purpose of fixing their Seat of Government thereon, is made in the same law of Congress which proposes to grant the Common School lands, the Salt Springs and the lands adjacent, the three per cent. fund, and the Seminary lands, if accepted at all, upon the same conditions.

The Convention which assembled for the purpose of forming a Constitution and State government, and to which the foregoing propositions were submitted by Congress, by its ordinance of the 19th of July, 1820, accepted the several propositions in these words: *"Now, this Convention, for and in behalf of the people inhabiting this State, and by the authority of the said people, do accept the five before recited propositions offered by the act of Congress under which they are assembled,"* and concluded by

saying that "*this Convention, for and in behalf of the people inhabiting this State, and by the authority of the said people, do further ordain, agree, and declare, that this ordinance shall be irrevocable without the consent of Congress.*" It will be observed that the act of Congress tendering the grant of the four sections of land for the purpose of fixing the Seat of Government thereon, to the Convention, is upon the condition (among others) that the "*location shall be made prior to the public sales of the lands of the United States surrounding such location.*" Congress undoubtedly had some purpose in affixing this condition to their grant. It seems plain that that purpose was that the location of the Seat of Government should affect, as it unquestionably would, the price of the surrounding public land. And it is believed that the effect intended to be produced, was produced by inducing many citizens to purchase those lands, that would not otherwise have done so; and it is not conceived that Congress, if our view of their intention be correct, ever contemplated that the Seat of Government should be placed at a given point only to enable them to sell their lands, and then to be removed at the will of the Legislature.

The committee observe, that the five propositions made by Congress to the Convention, were all accepted at the same time and in the same manner, and that the State has observed the obligations which she took upon herself in the Ordinance of her Convention, in relation to the objects and purposes of the several grants—that is—the School lands have been sold in trust for the benefit of Common Schools; the Seminary lands in trust for the benefit of a Seminary of learning, &c.; and that she has placed, and hitherto kept her Seat of Government on the four sections of land granted by Congress *for that purpose.*

As a matter of history, it is well known that the State caused a town to be laid off on the land so granted as aforesaid, and has received from the sales of the lots therein, about the sum of \$40,000. Upon those lots, lasting and valuable improvements have been made by the purchasers, or their assigns. The Convention, in the Constitution which they submitted to the people, which was adopted, and under which we have lived for a quarter of a century, declared that "The General Assembly, at their first session, shall appoint five commissioners for the purpose of selecting a place for the *Permanent Seat of Government.*" The General Assembly have in all their enactments, since the period of its being placed where it now is, spoken of the Seat of Government as being "*Permanent,*" and have made an office, the incumbent of which is called the "Commissioner of the Permanent Seat of Government." A question may well arise upon this state of facts, whether, if the Seat of Government be now removed, or rendered so unstable as to make it possible that it should ever be removed, and it should ever actually be removed, the State would not be liable, in good faith, to refund to the purchasers of lots the value thereof with interest, and the value of the improvements thereon.

It is submitted whether there is not in the language of the act of Congress, and in the Ordinance of the Convention accepting the propositions offered by Congress, in the acts of the Government in building a Capitol, Governor's house, &c., at a cost of more than \$300,000, and in the uniform language of the General Assembly, a tacit and implied

pledge of the faith of the State, that the Seat of Government should be permanent where it now is.

The fact that the State has spent large sums of money in the erection of necessary public buildings, as been alluded to. It has been found upon an examination of the public offices of the State, that the sum above spoken of is as near the amount expended by the State, as can be well ascertained.

This brings the majority of the committee to the consideration of the expediency of either removing the Seat of Government at once, or fixing it permanently in the Constitution, where it now is. It has been shown that the language of the act of Congress granting the land upon which it stands—the Ordinance of the Convention accepting the propositions of Congress—the State in building the Capitol, Governor's house, &c., tacitly and impliedly pledge the faith of the State that the Seat of Government should remain where it now is. Why then should it be removed or rendered unstable in its present position? Is there a good reason for it? So far as the State is concerned, it is believed by a majority of the committee that it would be infinitely better that it should be, if it is to be at all, removed at once, than to be left in doubt and uncertainty.

If it should be left in doubt and uncertainty, and not fixed in the Constitution, it is plain that the Legislature, year after year, will be engaged in discussing the removal, and spend more money in discussing the question, than it would cost to build a new Capitol. The experience of other States, on similar subjects, shows that this would be the case. The Legislature would spend thousands of dollars every session in determining the point to which it should be removed, to the infinite harrassment of those who are immediately and pecuniarily interested, and to the great detriment of the public purse, and this too, without the people doing or caring any thing about it.

A majority of the committee conceive that it is the part of wisdom in the Convention, to fix the Seat of Government permanently in a given place, and have, therefore, instructed me to report the following proposition as a substitute for the 11th Article of the present Constitution, and recommend its adoption.

JAMES W. MORROW,

Chairman.

OFFICE OF SECRETARY OF STATE,
CITY OF JEFFERSON, *December 4th, 1845.*

18

To the President of the Convention,—

SIR: In pursuance of a resolution of the Convention "That the Secretary of State be requested to furnish to the Convention an Abstract of the Electoral Vote polled at the November election, A. D. 1844," the undersigned has the honor of submitting the accompanying document.

Very Respectfully, &c.

FALKLAND H. MARTIN,
Secretary of State.

ABSTRACT of the votes given in the several counties of the State of Missouri for Electors of President and Vice President of the United States, in November, A. D. 1844.

COUNTIES.	James S. Green.	William A. Hall.	Willard P. Hall.	William Shields.	William C. Jones.	F. Cannon.	William Sublette.	T. L. Anderson.	Robert Wilson.	A. W. Doniphan.	John G. Miller.	John S. Waddell.	Johnson Ranney.	H. S. Geyer.
Adair.....	450	272	450	450	450	450		294	294	294	294	294	294	294
Andrew.....	941	941	491	941	941	941	941	384	384	384	384	384	384	384
Audrain.....	163	163	163	163	163	163	163	175	175	175	175	175	175	175
Barry.....	478	475	478	478	478	478	478	142	142	142	142	142	142	142
Bates.....	307	49	307	204	307	307	204	206	206	206	206	206	206	206
Benton.....	664	664	664	664	664	664	664	252	252	252	252	252	252	252
Boone.....	602	602	602	602	602	602	602	1190	1190	1190	1190	1190	1190	1190
Callaway.....	793	793	793	793	793	793	793	940	940	940	940	940	940	940

APPENDIX.

Camden.....	247	113	247	247	247	347	247	70	70	70	70	70	70	70
Cape Girardeau.....	914	914	914	919	914	913	914	518	518	518	518	518	519	518
Carroll.....	311	311	311	311	311	311	311	242	242	242	242	242	242	242
Chariton.....	602	602	602	602	602	602	602	371	371	371	371	371	371	321
Clark.....	219	113	220	220	220	220	135	226	225	225	225	225	225	225
Clay.....	552	552	552	552	552	552	552	765	765	765	765	765	765	765
Clinton.....	567	567	567	567	567	567	567	310	310	310	310	310	310	310
Cole.....	1122	1122	1122	1122	1122	1122	1122	418	418	418	418	418	418	418
Cooper.....	783	783	783	783	783	783	783	901	901	901	901	901	901	910
Crawford.....	367	367	367	367	367	367	367	237	237	237	237	237	237	237
Dade.....	690	690	690	690	690	690	690	255	255	255	255	255	255	255
Daviess.....	446	446	446	446	446	446	445	318	318	318	318	318	318	318
Decatur.....	208		207	208	208	208	207	55	55	55	56	57	55	55
Franklin.....	796	796	796	796	796	796	796	386	386	386	386	386	386	386
Gasconade.....	326	326	326	326	326	326	326	71	71	71	71	71	71	71
Greene.....	817	817	817	817	817	817	817	351	351	351	351	351	351	351
Grundy.....	365	365	365	365	365	365	365	346	346	346	346	346	346	346
Henry.....	283	283	283	283	283	283	283	280	280	280	280	280	280	280
Holt.....	378	378	378	378	378	283	378	185	184	185	185	185	185	185
Howard.....	969	969	969	969	969	969	969	1013	1013	1013	1013	1013	1013	1013
Jackson.....	852	852	852	852	852	852	852	614	614	614	614	614	614	614
Jasper.....	189	189	189	189	242	189	189	107	107	107	107	115	107	107
Jefferson.....		161	394	394	394	394	394	327	327	327	327	327	327	327
Johnson.....	511	511	511	511	511	511	511	367	267	367	367	367	367	367
Lafayette.....	576	576	576	576	576	576	576	820	820	820	820	820	820	820
Lewis.....	403	403	403	403	403	403	403	381	381	381	381	381	381	381
Lincoln.....	683	683	683	683	683	683	683	578	578	578	578	578	578	578
Linn.....	494	494	494	494	494	494	457	269	269	269	269	269	269	269
Livingston.....	351	351	351	351	351	351	351	198	198	198	198	198	198	198
Macon.....	457	457	457	457	457	457	457	327	327	327	327	327	327	327
Madison.....	399	399	399	399	399	399	399	183	183	183	183	183	183	183
Marion.....	723	724	724	724	723	723	723	1019	1017	1017	1017	1017	1017	1017
Miller.....	369	369	369	369	369	369	369	74	74	74	74	74	74	74
	21,367	20,645	21,762	21,660	21,815	21,761	21,123	16,165	16,161	16,161	16,161	16,172	16,162	16,161

ABSTRACT—Continued.

COUNTIES.	James S. Green.	William A. Hall.	Willard P. Hall.	William Shields.	William C. Jones.	F. Cannon.	William Sublette.	T. L. Anderson.	Robert Wilson.	A. W. Doniphan.	John G. Miller.	John S. Waddell.	Johnson Ranney.	H. S. Geyer.
Brought forward.....	21367	20645	21762	21660	21815	21761	21123	16165	16161	16161	16161	16172	16162	16161
Monroe	578	578	578	578	578	578	578	792	792	792	792	792	792	792
Montgomery	232	232	232	232	232	232	232	359	359	359	359	359	359	359
Morgan	544	544	544	544	544	544	544	262	262	262	262	262	262	262
New Madrid.....	208	208	208	208	208	208	208	298	298	298	298	298	298	298
Newton.....	663	663	663	663	663	663	663	189	189	189	189	189	198	198
Niangua	345	345	345	345	345	345	345	76	76	76	76	76	76	76
Osage	434	434	434	434	434	434	434	120	120	120	120	120	120	120
Platte.....	1386	1386	1386	1386	1386	1386	1386	900	900	900	900	900	900	900
Perry.....	463	463	463	463	463	463	463	385	385	385	385	385	385	385
Pettis.....	319	319	319	319	319	319	319	228	228	228	228	228	228	228
Pike.....	809	809	809	809	809	809	809	861	861	861	861	861	861	861
Polk.....	636	636	636	636	636	636	636	273	273	273	273	273	273	273
Pulaski	325	325	325	325	325	325	325	86	86	86	86	86	86	86
Ralls	322	322	322	322	322	322	322	422	422	422	422	422	422	422
Randolph	571	571	571	571	571	571	571	596	596	596	596	596	596	596
Ray	734	734	734	734	734	734	734	599	599	599	599	599	599	599
Ripley	266	266	266	266	266	266	266	31	31	31	31	31	31	31
St. Charles	503	503	503	493	503	503	503	480	480	480	480	480	480	480
St. Clair.....	342	342	342	342	342	342	332	177	177	177	177	177	177	177
St. Francois.....	234	234	234	234	234	234	231	301	301	301	301	301	301	301
Ste. Genevieve.....	245	245	245	245	245	245	245	193	193	193	193	193	193	193
St. Louis.....	3330	3175	3329	3329	3329	3329	3331	3688	3688	3688	3688	3688	3688	3689

APPENDIX.

Saline	446	446	446	446	446	446	446	591	591	591	591	591	591	591
Scotland	442	442	442	442	442	442	442	317	317	317	317	317	317	317
Scott	480	480	480	480	480	480	480	258	258	258	258	258	258	258
Shannon	271	69	271	129	271	271	252	57	57	57	57	57	57	57
Shelby	209	209	209	200	209	209	209	244	244	244	244	244	244	244
Stoddard	323	323	323	323	323	323	323	115	115	115	115	115	115	115
Taney	297	297	297	297	297	297	297	36	36	36	36	36	36	36
Van Buren	443	443	443	443	443	443	443	257	257	257	257	257	257	257
Warren	341	341	341	341	341	341	341	364	364	364	364	364	364	364
Washington	588	588	588	588	588	588	588	613	613	613	613	613	613	613
Wayne	366	366	366	366	366	366	366	86	86	86	86	86	86	86
Wright	486	486	486	486	486	486	486	97	97	97	97	97	97	97
Buchanan	1162	1162	1162	1162	1162	1162	1162	599	599	599	599	599	599	599
Caldwell	212	212	212	169	212	212	212	129	129	129	129	129	129	129
TOTAL	40,922	38,968	41,316	40,982	41,369	41,315	40,660	31,244	31,240	31,240	31,240	31,251	31,238	31,240

SCATTERING.

For Claiborne F. Jackson	1528
“ George Penn	288
“ A. L. McGennis	638
“ ——— Hall	31
For Richard M. Johnson, President	1

REPORT OF MINORITY OF COMMITTEE ON PERMANENT SEAT OF GOVERNMENT.

WEDNESDAY, DECEMBER 3, 1845.

The minority of the committee on the Permanent Seat of Government ask leave respectfully to

REPORT:

That we believe the subject submitted to our consideration is one that belongs exclusively to the people of the State, or to the Legislature acting under the instructions of the people.

We have confidence enough in our fellow citizens to believe they will never remove their Seat of Government without good cause, and if at any time there should be good cause to remove it, we believe it would be an infringement of their rights to prohibit them.

F. W. G. THOMAS,
J. L. JONES,
M. LESLIE,
J. M. BASSETT.

REPORT OF COMMITTEE TO EMPLOY REPORTER.

WEDNESDAY, DECEMBER 3, 1845.

The committee who were instructed to inquire into the propriety, practicability, cost, &c. of employing a competent reporter for this Convention, have instructed me to make the following report, to wit:

That they have given the subject all the attention and consideration which they deemed it necessary to bestow, and that they have found it impracticable to procure the services of a suitable and competent reporter.

A. O. FORSHEY,
Chairman.

REPORT OF THE COMMITTEE ON THE MODE OF AMENDING THE CONSTITUTION.

THURSDAY, December 4.

The committee to which was referred the subject of the amending of the Constitution, submit the following

REPORT.

The committee are deeply impressed with the impolicy of engrafting on the new Constitution principles different from those contained in the old one, which are not imperiously demanded by the present circumstances of the people of the State—and especially with the danger that may attend the adoption of the new Constitution—if unnecessary innovations on our present system are to be made. Yet the committee think that the mode of amending the present Constitution which it provides, admits a principle, inconsistent with other valuable principles asserted in the same instrument, and, that it will be well for the Convention to make some alteration on this subject. They believe that the plan of the present Constitution for its amendment, is favorable to unprofitable discussion by the General Assembly, and to a useless waste of the time of that body, and consequently an unnecessary consumption of the public treasure.

The present Constitution, in the distribution of the powers of the State Government, declares that they shall be divided into three distinct departments, each of which shall be confided to a separate magistracy. Your committee think this a correct principle in government based on popular will, and one which is essential to a safe distribution and delegation of powers to the several departments under our system, and that no departure from it should be tolerated, which in the nature of our situation can be avoided.

Your committee assume, that the power to alter our government in any respect, under our system belongs exclusively to the people of the State, and that this power cannot be safely confided to either of the three departments, nor to all of them, without danger to the great principle of the political sovereignty of the people, which they hold as a basis on which our plan of government rests, and without which its character must soon be changed, and its excellence for popular freedom be lost. To the extent then as your committee believe that either of the departments of the State government is permitted to participate in amending or altering the State Constitution, is that department invested with the primary and elementary power which rests in, and belongs to, the whole people, and which creates, and should control, all the departments of our government, and to that extent may it exert and influence, to infringe upon the Constitutional powers of the other two departments, and thereby destroy the equilibrium of Constitutional powers confided to the departments respectively.

Your committee hold that equality and co-ordinacy of the three departments of our State government, is one of its fundamental principles, and one, to abandon which, would destroy the beautiful balances of power among them, and greatly endanger the harmonious action of all of them, and of the system.

It is true, the power given to the Legislature by our present Constitution, is only to propose amendments. But it is also true, that every proposition to amend necessarily involves the constitutional rights of some one of the departments; of some one of the magistracies to which the several powers are confided. Your committee suppose, that in the nature of the elements of which a Legislature is composed, it would not be likely to discover that the Constitution was defective, because it gave that body too much power, and that this rule applies alike to all the functionaries of government, and results from the natural organization of man—none are fearful of being too powerful, but all jealous of the danger of concentrating too much power in others.

The Legislature, then, would seldom propose amendments to the Constitution, intended to curtail the power of the legislative department, or its patronage. Its action would be mainly directed to such amendments as would reduce the power or patronage of one or both of the other departments; and, so far as it could accomplish this result by continual propositions to amend, so far does this department have an advantage, under the present Constitution, over both the others; and the others having no such power to effect, the powers conferred on the Legislature by the Constitution are made to this extent unequal to that department.

If the three departments of the State Government are equal and co-ordinate, as your committee suppose they ought to be, your committee can see no reason why it would not be quite as good policy to invest both the Executive and the Judiciary with the power of proposing amendments to the Constitution, as to confide the right exclusively to the Legislature. Certainly, to give it to all the departments, would look much more like equality among them; and in this case, each of them might exercise the right in such manner as to check any dangerous or growing accumulation existing power of the other two.

Your committee think, however, that no advantage would result from giving the Judiciary of the State the right to propose amendments.—The officers of that department of the State government, are so diversified in grade and so scattered in their locations, that it would be almost as difficult for them to concentrate their opinions and concert their action on this subject, as it would be for the people themselves to do it.

Your committee are of opinion that there is already too much patronage and power delegated to the Executive; and that if the one of proposing amendments to the Constitution were added, he might give the people much unnecessary trouble and excitement, by the agitation among them of amendments which he might propose.

Your committee believe that our present system is bad in practice; that there have been but few sessions of the General Assembly in which much time has not been consumed in discussing amendments of the Constitution: they believe that discussions of this sort have already cost the State more money than has been appropriated to meet the expenses of this Convention, and that the cost of such discussions have been much greater than the benefits resulting therefrom have been worth.

Your committee think it will be good policy so to frame the new Constitution so as not to permit either department of the State government to exert either a direct or an indirect influence upon either of the others, or in unsettling the balance of power confided to them respectively. They believe that the right to exercise any such influence, is inconsistent with the feeling of either dependance which each department should constantly experience towards the people who should control all the departments.

Your committee are aware that it is difficult for the will of the people on any abstract question, to be obtained; and that evils must be great to bring a majority of the people into action to remedy them.

But, for the purpose of separating all the departments of the State government, from any agency in altering our system, and for the additional purpose of bringing the whole subject of amending the Constitution before the people, in such form as they may conveniently act on it, as often as their condition will require it, your committee propose the following, as a substitute for the 12th Article of the Constitution, to wit.

JOSEPH B. WELLS,
Chairman.

REPORT OF THE COMMITTEE ON MISCELLANEOUS PROVISIONS.

Mr. President :

The select committee on Miscellaneous Provisions, have instructed me to report the following as the second Article of the Constitution, and recommend the adoption of the same.

JONES, of Newton,
Chairman.

REPORT OF THE MINORITY OF THE COMMITTEE ON BANKS AND CORPORATIONS.

The undersigned, from the committee on Banks and Corporations, present the following minority

REPORT :

Without entering into a detailed statement of the facts and arguments which induce the conclusions contained in this report, a few general reasons will be given why the undersigned cannot subscribe to

the provisions sought to be inserted in the Constitution by the majority of the committee on Banks and Corporations.

Four distinct propositions are submitted by that committee, and urged to be incorporated in the fundamental law of the land.

1st. That private banking shall be prohibited by the Legislature of Missouri.

2nd. That no corporation of any kind shall be created, except for municipal purposes, unless the stockholders are made individually subject to its liabilities.

3rd. That no corporation shall hereafter be created, renewed, or extended, with banking privileges.

4th. That no institution for banking purposes shall exist in the State of Missouri after the first day of January, 1847, and that it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to provide by law for closing up the affairs of the Bank of Missouri, having due regard to the interests of all the parties concerned.

To the first proposition it is presumed that no serious objection can be raised. It has long been the policy and practice of this, as of all well regulated governments, to prohibit private individuals from issuing their own notes to be used as a circulating medium.

The second proposition recommended to be inserted in the Constitution, providing that no corporation of any kind shall be created, except for municipal purposes, unless the stockholders are made individually subject to its liabilities, is objectionable for the reason that the tendency of such provision must be either to prevent the creation or useful operation of all corporations, or else to make them the receptacles of the fragments of the broken fortunes of dishonest men. No prudent man would deem it expedient to invest money in the purchase of stock in an institution, when, however small that investment might be, his whole fortune becomes liable for the debts of that institution; neither is it just that he should be so liable, unless he could have the sole and exclusive management of its concerns; if, from a corporation created on different principles, any creditor suffers, and is unable to make good his claims, the fact that all the world knows the principles on which that corporation has been established, must throw the blame at his own door.

The impolicy of incorporating a provision in the organic law of our State, which would have a tendency to prevent the creation of incorporations of every character, except for municipal purposes, must suggest itself to every mind, which reflects that, from the wise organization of our social and political institutions, capital is not readily concentrated in the hands of a few, and that, therefore, associated effort is necessary to carry out many great improvements demanded by the nature of our country and the energies of its people. But should institutions such as those proposed be chartered and go into operation, none but men of precarious fortunes, who could rake together a few hundred or a few thousand dollars from the wreck of their estate, would take stock in those institutions; or, at least, they would most eagerly seek that investment of their funds, because there they would be safe from the

arm of the law—secure from the reach of creditors. The stock could not be sold for debt, because no one would buy, and thereby become responsible, according to the doctrine contained in the proposition, to the amount of his whole fortune, for the liabilities of an institution with whose business transactions he must necessarily be totally unacquainted.

As to the third proposition, whatever evils may have grown out of the creation of State Banks in some portions of our country, one fact is undeniable, that at the present time, and for years past, a large portion of the circulating medium of this State, has been composed of paper currency; laws have been made to prevent its introduction and use; bills have been introduced into our Legislative assemblies to punish the unsuspecting citizen who might attempt to pass a bank note as currency; but those hard-hearted and high-handed measures of legislation have not met with public sympathy. The circulation of bank paper is interwoven with the commerce and trade of our country; it is essentially a part of its commercial policy. It is believed to be unwise at all times to pass laws which conflict with the public sentiment, or run counter to the spirit of the age in which we live; especially then is it impolitic to fix in the fundamental law of the land a provision of that character, which it may be impossible to change for a generation to come. If it is impracticable to prevent the circulation of bank paper amongst us, let us at least have an institution of our own, which shall be under our own control; admitting that we do not need an institution of that kind now, ten years hence, the circumstances of the times and the exigencies of commerce may demand it; let us then have the matter open, subject to the action of the people through their representatives.

The undersigned would be fearful of insulting the intelligence of this body, by offering reasons why the fourth proposition submitted by the committee cannot be subscribed to, were it not, that gentlemen whose reputation for ability is so well established, have, after mature deliberation, gravely offered it for the adoption of this Convention. The people of the State of Missouri, have through their representatives, chartered the Bank of Missouri—invested the stockholders of that institution with certain privileges—that charter expires in 1857; and now the people of Missouri are asked to destroy that institution—to take away those privileges, before that charter expires; in other words, to violate a solemn compact. It is presumed it will not be denied, that the people of Missouri of to-day, are the people of Missouri who formed that compact, living within the same territorial limits, forming the same body politic, bound as yet by the same Constitution, and merely using the forms and offices of its creation, for the purpose of altering or amending its provisions.

The privileges granted to the stockholders of the Bank of Missouri, are sources of profit, in those profits both actual and prospective they have a property, and that property it is proposed to invade, without the consent of the owners, and without offering them any compensation. A proposition to take a man's farm, sell it and apply the proceeds to works of Internal Improvement, or otherwise, without his consent, and

without paying him a just equivalent, would be deemed an act of usurpation, a violation of private right, and it cannot be perceived why an act of the same character, exercised towards individuals associated together in a corporate capacity, should lose its moral obliquity. The State has the *power*, it is true, and so has the highwayman the power to knock down the first traveller he meets who is weaker than himself, and rob him of his purse. But there are considerations of good faith and high moral duty, which are equally obligatory upon States as upon individuals, the violation of which exposes either to the merited censure of honest men. And it is conceived, that the course recommended by the committee does violate one of those obligations.

The following resolution is therefore submitted as a substitute for the various propositions offered by the committee:

Resolved, That the whole of the 8th Article of our present Constitution be stricken out.

JAS O. BROADHEAD.

REPORT OF THE COMMITTEE ON EXECUTIVE POWERS.

The committee to whom was entrusted the duty of considering whether any and what amendments are needed in that part of the present Constitution that relates to Executive Powers, respectfully

REPORT:

That they have maturely considered that subject, and, a majority of the committee are of opinion that but few changes are needed in that part of the Constitution, and those not of an important character. The committee believe that no feature in our present Constitution should be altered, unless it has been found so wrong in principle or pernicious in practice, and that those parts of that instrument which have operated well heretofore should be retained without material alteration. In accordance with this view, the committee herewith report for the adoption of the Convention the fourth article of the Constitution, with a few amendments and modifications: The amendments made to the second, ninth, thirteenth, twenty-second and twenty-third sections do not materially alter the sense of the Constitution, but are intended to improve its phraseology, and adapt its language to the present condition of the State and its government.

The amendment made to the sixth section of the article is intended to guard against an abuse of the pardoning power, by placing a check on executive discretion, and requiring the advice and consent of the Judges of the Supreme Court, before the judgment of the law can be dispensed with. The Judges of the Supreme Court have been selected as the advising power because they will probably be persons who will always exercise that power with discretion and circumspection, and their opinions can always be readily obtained by the Governor. The power of filling vacancies in the office of sheriff and coroner has been conferred on the

tribunal transacting county business, in the 24th section, because that tribunal can act more promptly, and thus avoid delays that are injurious and inconvenient to the public.

All of which is respectfully submitted.

M. M. MARMADUKE,
Chairman.

REPORT OF SELECT COMMITTEE ON PETITION OF SUN- DRY CITIZENS OF ST. LOUIS, PRAYING THE ABOLITION OF THE LICENSE SYSTEM.

Mr. President:

The select committee to whom was referred the petition of sundry citizens of St. Louis, praying the abolition of the license system, have had the subject under consideration and instructed me to make the following

REPORT:

The subject of the license system is one of vast importance. It has agitated public opinion in various parts of the State. Complaints of the inequality of taxation and grievances arising out of it, have come up from several of our largest commercial communities. The subject demands of the Convention a mature and careful investigation.

Originating under the Norman kings, the license system is a relic of the feudal system of England. The privilege of carrying on a particular trade or of selling goods, was sold by the Crown, and was a considerable source of revenue. The grants of these franchises or privileges were extensive and embraced almost every occupation and calling. They were taxes upon the liberty of the subject—the purchase of freedom from the Crown to engage in or carry on any particular occupation. Most of the overshadowing monopolies in England may be traced to this origin. Even the privilege of justice in the courts was sold. The sovereign power being lodged in the king, all benefits and privileges were conferred by the Crown. The tax on these privileges was fluctuating and uncertain, and was regulated more by the exigencies or cupidity of the monarch than by any fixed principle. Exactions, frequently of an enormous kind, took place, for the right to exact *any thing*, implied a right unlimited.

Our State government carrying out the principle derived from this source, by the adoption of the license system, sells the privilege of engaging in business, and for the purpose of revenue, makes unjust and invidious distinctions among our citizens, and creates monopolies.

The power to sell these privileges should not exist in a republican government. The reasons urged in support of the right of the crown

in granting or selling them under the feudal system, as a source of revenue, do not exist here. There the crown was sovereign. It was an attribute of sovereignty, and as such, peculiarly belonged to the crown. Here the people are sovereign, and unless the power is directly delegated to the State government, by our fundamental law, the State cannot exercise it. But the power to grant exclusive privileges and to build up monopolies, should never be conferred upon the State government. Equality of right, among the people, is the basis of a free government, and the power to destroy that equality should never be delegated by the people. The State should not become a vendor of privileges.

The power of taxation is necessarily conferred upon government for its support; but is restricted in order to prevent oppression and inequality. The beauty of the system of taxation in a republican government consists in its equality. All property should be taxed according to its value. It is the surest barrier to the usurpations of government, and the safest guard to the rights of the people. This privilege of equality should not only be declared in our organic law, but it should be specifically pointed out, so that it cannot be evaded by future legislation. In the 19th section of the XIII article of the Constitution of 1820, it was declared in general terms "that property should be taxed in proportion to its value." But this declaration did not prevent the Legislature from adopting the license system, which is a clear violation of the spirit of that provision.

The license system is most unequal and unjust in its operations. It oppresses the poor trader and dealer, while it confers the privilege of a monopoly upon the rich capitalist. It does not increase the revenue because it keeps enterprising persons of small capital from emigrating to the State and engaging in business. It is an incubus on the energy and prosperity of many enterprising men of limited means. It does not benefit the State because it tends to prevent trade and business and consequently prevents the development of our resources. In many instances, it keeps capital idle and useless, which would otherwise be actively and beneficially engaged. It keeps down enterprise, checks industry, and benefits only the capitalist.

The license system is an indirect tax upon the people. While it prevents the emigration of business men, and the employment of small capital, it indirectly increases the burden of government on the mass of the people. For, the revenue which does not arise from a tax or license on capital, legitimately engaged in trade, or from licenses on dram-shops and similar objects of taxation, has to be supplied from the farmer, the mechanic, and other portions of the community. If the license system is abolished, business men will come into the country, and capital, which is now useless, will be profitably employed. A consequence of this will be an increase of the revenue. It will render the burdens of government more equal among all classes of the community. It will also cheapen merchandize and will destroy the indirect tax upon the people, which necessarily exists under the system.

The inequality of the system on merchants, is obvious. The following table, compiled on the basis of the 8th section of the act entitled

"An act to license and tax merchants," approved March 25th, 1845, is submitted to the consideration of the Convention. By that section, the tax on licenses ranges from ten to twenty-five dollars. For all amounts under \$500, the tax is \$10, consequently, a merchant with a capital of only five hundred dollars, has to pay as much tax on his license as one who has a capital of five thousand dollars. The tax on merchandize above the sum of five thousand dollars, and under ten thousand dollars, is fifteen dollars; and on sums of ten thousand dollars and less than fifteen thousand dollars, the amount of the tax is twenty dollars; and where merchandize received for sale is as much in value as fifteen thousand dollars, the tax is twenty-five dollars.

The inequality first referred to, exists throughout the whole scale, and becomes more unequal as the amount of capital increases. A merchant under a license tax of \$25, can sell any amount of goods. If he sells \$50,000 worth, he pays a tax of one-twentieth of one per cent. only, while the small capitalist, with only \$500 engaged in trade, pays a tax equal to two per cent. A reference to the following table will exhibit this inequality more clearly:

A State tax of \$10 on \$500 capital employed in trade is equal to 2 per cent.					
"	\$10	on \$5,000	"	"	2-10ths of 1 per cent.
"	\$15	on \$5,100	"	"	is about equal to 3-10 "
"	\$15	on \$9,990	"	"	3-20 "
"	\$20	on \$10,000	"	"	20-000 or 1-5 "
"	\$20	on \$14,990	"	"	13-100 or 1-7. "
"	\$25	on \$15,000	"	"	16-100 or 1-6 "
"	\$25	on \$30,000	"	"	83-1000 or 1-10 "
"	\$25	on \$50,000	"	"	5-100 or 1-20 "

The county license system is even more unequal in its operations than that of the State. In some counties it is 200 per cent. above the State license; in others it is only 100 per cent. At 200 per cent. it operates thus:—

A county tax of \$20 on a capital of \$500 is equal to 4 per cent.					
"	20	"	5,000	"	40-100ths or 2-5ths of 1 per cent.
"	30	"	5,100	"	58-100ths of one per cent.
"	30	"	9,990	"	30-100ths or 3-10ths of 1 one per cent.
"	40	"	10,000	"	40-100ths or 2-5ths "
"	40	"	14,990	about	26-100ths of one per cent.
"	50	"	15,100	"	33-100ths of one per cent.
"	50	"	30,000	"	17-100ths of one per cent.
"	50	"	50,000	"	10-100ths or 1-10th of one per cent.

The system operates with great inequality on the consumer. Suppose four persons to consume, each, \$100 worth of goods, and to be worth the following amounts: The one worth \$200, one \$500, one worth \$1,000, and another \$5,000; and that the merchant puts 2 per cent. on the \$100 worth of goods to cover license, which would be \$2.

The man worth \$200, would pay the merchant a tax equal to 1 per cent.					
"	500	"	"	"	40-100ths or 2 5ths of 1 pr. ct.
"	1,000	"	"	"	20 10ths or 1-5th of 1 pr. ct.
"	5,000	"	"	"	4-100ths or 1-25th of 1 pr. ct.

These illustrations exhibit the fact that the operation of the license

system is heaviest and most burthensome upon the small capitalist, and the poor consumer; and the committee cannot resist the conclusion that it would be better for the interest of the State and the property of the people, that the license system should be abolished, as far as the legitimate branches of trade and business are concerned. The committee have therefore instructed me to report the following proposition to the Convention, and recommend its adoption as the 19th section of the XIII Article of the Constitution.

JONES of Newton,
Chairman.

REPORT OF THE COMMITTEE ON MISCELLANEOUS PROVISIONS,

On the following propositions, to wit: 1. The eligibility of Ministers of the Gospel to office. 2. The requirement of a religious test in civil offices. 3. The prevention of duelling.

Mr. President:

The committee on Miscellaneous Provisions, to whom was referred the proposition of Mr. McHenry, proposing an additional Article in the Constitution, have had the subject under consideration, and instructed me to make the following

REPORT:

The proposition to them referred, consists of three sections, including the following subjects, to wit: 1. The eligibility of ministers of the gospel to office. 2. The requirement of a religious test in civil offices. 3. The prevention of duelling.

These subjects are all of sufficient importance to demand investigation, but as the first has been disposed of by the action of the Convention, in adopting the proposition reported by the committee on Legislative Power, it is deemed unnecessary to notice it at the present time.

The second section contains a startling principle, and one which should never be engrafted on a republican Constitution. It is adverse to the spirit of our free institutions, to require any religious test of our citizens to qualify them for office. It would be trampling on the intention of the framers of the Constitution of the United States, and a clear and direct violation of the 5th section of our Declaration of Rights. It would be reviving those odious distinctions and restrictions upon conscience, which our ancestors fled from the old world to avoid. The most grinding tyranny—the worst species of despotism,

is that which undertakes to regulate a man's religious opinions and to bind his conscience. To debar a citizen from any civil office on account of his religious opinions, would be one of the darkest features of despotism. It *never could* produce good; it would result *only* in evil. It would build up an odious and invidious distinction among our citizens. It would destroy that equality of political right which is the prop and support of every republican government, and which should be the aim of organic law to guard and protect. Such a proposition could alone find favor where bigotry and religious intolerance reign. In a free country, the only test for civil office—the only qualifications, should be, honesty and capability. If purity of character—if integrity exist, it matters not what a man's religious opinions may be. Religion, although much to be admired and encouraged, is not the *only* foundation of confidence. The actions—the conduct—the moral purity of *man*, whether they spring from the purity and holiness of the Christian religion, or from his moral nature, regulated by the law of nature alone—constitute the true foundation of esteem and confidence. There is no other basis upon which to form character.—When a man is a candidate for any civil office, we should not ask to what religious denomination he belongs, or whether he is religious or not; and whenever the day arrives when such questions are asked and required by our organic law, we may rest assured that the power of the Church and religious bigotry are beginning to overshadow the Republic. That Constitution is best which makes the least distinction among our citizens, and which makes only such restrictions as are necessary to guard the rights of the mass of organized society. A feature like the one proposed, if engrafted in our Constitution, would mar its republican beauty. While it proclaimed *liberty*, it would exhibit on its face an odious badge of despotism.

The third section of Mr. McHenry's proposition, although it may be correct in principle, is deemed by the committee to be impolitic. The prevalence of duelling in society is a great evil. It is to be regretted and deplored. In the history of our own State may be recorded many a scene of blood, and the abandonment of the practice cannot be too anxiously desired. But all the guards which we might fix in the Constitution, and all the penalties that may be prescribed by legislative enactment, cannot prevent the evil. They would only lead to violations or evasions of the law; and while they did not effectually guard against the evil of duelling, would be productive of consequences more pernicious to the well-being of society. Broils, contentions, conflicts with deadly weapons; and street fights, would be the result. Personal rencountres and private assassinations would increase in a greater proportion than duelling diminished.—This is a state of society which cannot be too much dreaded—too much effort could not be used to avoid it. But habit is powerful—and when the people become habituated to the personal rencountres and street fights, they lose half their terror, and consequently the evil increases. If the prohibition of duelling, then, would increase this species of conflict, would it not be better for society that it was not prohibited? To this conclusion your committee have come, and they feel confident that the surest and best preventative of the pernicious habit of duelling, is an enlightened public opinion. This is the great corrective of evils which exist in society and which the arm of the law cannot effectually reach. The intelligence and

moral rectitude of the people will actually frown down this barbarous relic of an age of moral and intellectual darkness.

Your committee therefore report the proposition to the Convention, with the recommendation that it be rejected. They also ask to be discharged from the further consideration of the subject.

JONES, of Newton,
Chairman.

REPORT OF THE MINORITY OF THE COMMITTEE ON MISCELLANEOUS PROVISIONS.

Mr. President:—

The undersigned, members of the committee on Miscellaneous Provisions, beg leave to make a report, in addition, and differing materially from the report made by the Chairman of our committee, a few days since. The following are the articles referred to said committee for their consideration:

‘ § 1. Whereas, ministers of the Gospel are by their profession, dedicated to God, and the cause of souls, and ought not to be diverted from the great duties of their functions; Therefore, no minister of the Gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the Legislature.

§ 2. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

§ 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or second to, or accept a challenge for that purpose, or to be aider or abettor in fighting a duel, shall be deprived of the right to hold any office of trust or profit in this State, and shall be punished otherwise in such manner as the Legislature may prescribe.”

We object to the report of the chairman of our committee, because it contains statements which are not, in our opinion, fully and satisfactorily substantiated by facts. We were the more confirmed in this opinion after we had given the subject our calm and serious attention, and would ask the Convention to bestow that attention to the subject which its importance so eminently entitle it to.

The first proposition has been, in substance, adopted by the Convention; and we would deeply regret a change in the principle, or a defeat upon its passage. Setting apart and securing to ministers of the Gospel a more glorious calling than that of a wordly office of honor, trust or profit, we would regard it as unwise and inconsistent with the sacred laws of our Divine Master, to countenance or extend any inducements whatever, that would in the end, cause a lukewarmness in the breast of those who have taken upon them the great responsibility of pleading our cause in Heaven.

and proclaiming the sacred truths of the Gospel of our blessed Savior. On this point, however, we believe there is little or no diversity of opinion, and deem it unnecessary to say any thing more in regard to its merits.

On the second proposition, we differ widely from the report of the chairman of our committee. This proposition embraces a subject well worthy the due consideration of this Convention, and deserves the serious deliberation of the enlightened world. We deem it our duty to place upon record, our views in relation to this serious question, so that others who may come after us may see and learn wisdom from our deliberations. In deliberating upon the subject, we were forcibly struck with the beautiful sentence in the book of Ezekiel, where God in speaking to Pharaoh King of Egypt, says, "The river is mine, and I have made it;" and may we not say, the earth is his, and he has made it. We acknowledge no King save Heaven's, and he has made us. How important, then, that we should frame our institutions with a view to the advancing of Immanuel's Kingdom, and guarding against those who may seek to destroy it. We are as far from interfering with the religious views or opinions of any person, as any men upon earth; nor does the second proposition propose any interference with the religious sentiments of any, further than to ask the belief in the existence of a Supreme Being—a God over all. We most solemnly protest against any interference whatever, in regard to religious worship; but we do sincerely ask, in justice to our Creator and Preserver, that our rulers and servants should acknowledge his supremacy, in preference to that of man or earthly laws. For the sake of the safety, peace and happiness of our citizens, we honestly believe such a provision should be engrafted in our Constitution. The proposition does not, as our chairman assumes, come in contact with the Constitution of the United States, in requiring religious tests from any of our citizens. It only prohibits those who deny the existence of a God, from holding any office in the civil department of our State. We would respectfully ask, in what religious persuasion or sect, would be classed an Atheist?, or if there is any religious name for such? If there is, we acknowledge our ignorance of its origin. In our humble opinion, there is nothing having a tendency more to mar the cause of Christianity, than to set at nought its benign influence, and say there's no necessity for it; and nothing could be more ungenerous to the Author of our being, than to declare in our Organic law, we did not regard the admission of his power as a matter worthy of notice. Can it be in accordance with our virtue as a people, that we permit a man to make oath to fill office, who denies the existence of a God, and would consider his oath a foolish ceremony. Certainly it cannot. Who, other than the Atheist, could sit here and witness the administration of a solemn oath to an Atheist, without feeling that a mockery was performed against high Heaven. We do not believe there is a member of this Convention could reconcile his conscience to behold such a scene. We cannot believe that this Convention will ever consent to admit, into their council halls, any person who does not admit the existence of a God.

There is another point we would respectfully call to your attention.

It is this: will we give to the Atheist, privileges we deny to the minister of the Gospel, or priest of any religious sect whatever? Will we permit men to hold office who deny the existence of a God, and deny them to those who proclaim his Gospel throughout the land? Will we give office to those who pierce the Savior's side, and deprive those who bind up the wounds? Will we embrace those who believe our days are ended on earth, and frown on those who preach unto us life eternal? Will we reward those who ask *alms* at our hands, and steal from those who preach to us a crown, and life eternal beyond our earthly habitation? Will we endeavor to build up our Master's kingdom, or will we take into our council chambers those who would seek to destroy it? Most assuredly we will not act so inconsistent in our religious transactions. We cannot believe with our chairman, that this proposition, "if engrafted into our constitution, would mar its republican beauty," or "while it proclaimed liberty, it would exhibit on its face an odious badge of despotism." The absurdity of such assertions, can be clearly shown by reference to the Constitutions of many of our sister States, and that, too, among those where despotism does not dare to dwell. We sincerely hope the second proposition will be adopted by the Convention.

The third proposition has not been acted on by your committee, but we believe it worthy the consideration of the Convention, and we leave it with the mover of the proposition to present it at the proper time.

All the above propositions we find engrafted in the Constitutions of many of our sister States. New Jersey and North Carolina require all persons who hold any office under the State Government, to take an oath that they believe in the Protestant religion. They go much further than any of your committee would wish this Convention to go. We deem it equivalent to requiring a religious test. The Constitution of Maryland contains similar provisions to those above mentioned: The Constitution of Pennsylvania, Tennessee, Mississippi, and Texas, contain clauses the same in substance, and most of them, the same language as the second proposition. The Constitution of Arkansas still goes further than the undersigned. It declares that no person who does not believe in a God, and in a future state of rewards and punishments, shall hold any office in the Civil Department of that State, or be allowed to give evidence in any court. Taking for example, the conduct of our sister States, upon this very subject, and therefore cannot consent to give our approbation to the report of our chairman. However feeble we may have been in presenting our views to this Convention, we would seriously ask its calm and deliberate consideration, on this very serious question. Let us deliberate calmly; although it may appear in the eyes of a few a subject of trivial importance, yet the peace and prosperity of future generations depend much upon its adoption or rejection. Let none act thoughtlessly upon so serious a subject.

JOHN M'HENRY.

REPORT OF THE COMMITTEE ON JUDICIAL POWER, RECOMMENDING A PROPOSITION AS ARTICLE V OF THE CONSTITUTION.

JANUARY 1, 1846.

The committee on Judicial Power respectfully report, that they have had under consideration that part of the Constitution which relates to the Judicial Department of the Government, and herewith report an Article containing such amendments and modifications of the present Constitution as they have considered necessary and proper. They have conformed to the resolutions of the Convention, and have reported provisions to make the judges of the circuit court elective by the people every six years, and the judges of the supreme court subject to appointment by the Governor, and confirmation by the Senate every twelve years.

The resolution intended to keep the judges aloof from party politics, has been also incorporated.

The power of the Legislature, in relation to the creation of new circuits, has been restrained by a provision that the number of circuits shall not exceed ten, and that that number shall not be increased for ten years. This provision will cause the judges to do more business, to become more familiar with the principles and practice of the law, and, by an increase of legal knowledge and experience, to become better judges; and it will enable the State to pay a higher compensation to the judges, without any additional increase of expense to the State. The State will thus secure more judicial learning and talent, without any additional cost to the people.

The county courts and justices of the peace have been provided for; and it has been left to the legislative power to prescribe their powers and duties.

A provision has been made to cause judicial officers to be elected on a different day from that on which legislative and executive officers are elected: the object of which is to save the judiciary from the influence of the violent political excitements that sometimes pervade the Republic during general elections—and to keep the judges from the partizan influence that might be brought to bear on them, if all elections were brought on at the same time.

The extent of jurisdiction of the courts, and the general powers and duties of the judges, have not been materially altered.

EZRA HUNT.

REPORT OF THE MINORITY OF THE COMMITTEE ON THE MODE OF AMENDING THE CONSTITUTION.

JANUARY 6, 1846.

The Committee to whom was referred that part of the Constitution

which provides for its amendment, beg leave to submit the following minority

REPORT.

The right of the people to abolish the form of government under which they live, when in their opinion it may be necessary for their common interest and happiness, we apprehend will not and cannot be controverted. And we do not propose here to inquire into the policy of imposing such constitutional restraints upon the sovereignty of the State as will induce the people to endure oppression or injustice because it is inconvenient to abolish the wrong and institute the right. But without entering into the arguments pro and con, we deem it of vital importance to provide in a written Constitution, an economical, peaceable and certain mode of obtaining a full and direct expression of the public will, as to what shall be the supreme law of the State; and for these and other reasons which will be suggested by the amendment proposed—we submit the following as the most satisfactory, safe and efficient mode of amending the Constitution, to wit: [Here follows the proposition.]

A. O. FORSHEY,
JNO. E. PITT,
DANIEL BRANSTETTER,
R. M. STEWART.

ENGROSSED ARTICLES, &c.

PREAMBLE TO THE CONSTITUTION.

WE, the people of the State of Missouri, by our Delegates in Convention assembled, do ordain and establish the following Constitution:

ARTICLE I.

Of Boundaries.

§ 1. We do declare, establish, ratify and confirm the following, as the permanent boundaries of the State of Missouri, that is to say:

Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence, west along the said parallel of latitude to the St. Francois river; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence, west, along the same, to a point where the said parallel is intersected

by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence, from the point aforesaid, north, along the said meridian line to the middle of the main channel of the Missouri river; thence, up and following the course of said stream, in the middle of the main channel thereof, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines; thence, east from the point of intersection last aforesaid, along the said parallel of latitude to the middle of the main channel of the main fork of the said river Des Moines; thence, down along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east to the middle of the main channel of the Mississippi river; thence, down and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning.

§ 2. The General Assembly shall have power, with the consent of the United States, to acquire additional territory, and to extend the boundary of this State, so as to include such additional territory as may hereafter be acquired by the State.

ARTICLE II.

Of the Distribution of Powers.

The powers of government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

Of the Legislative Power.

§ 1. The Legislative Power shall be vested in a General Assembly, which shall consist of a "Senate" and "House of Representatives."

§ 2. The house of representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties, apportioned in the following manner, to wit: The ratio of representation shall be ascertained by dividing the whole number of white inhabitants of the State by a divisor to be determined by each apportioning session of the Legislature, which shall never exceed the number one hundred. Each county having three-fifths of said ratio, shall be entitled to one representative; each county having said ratio, and a fraction over equal to two-thirds, shall be entitled to two representatives; each county having twice said ratio, and a fraction over equal to two-thirds, shall be entitled to three representatives; each county having four times said ratio, shall be entitled to four representatives; and so on above that number, giving one additional member for each addi-

tional ratio. And when any county entitled to more than two representatives shall have a town or city therein, with the full amount of said ratio, such town or city shall be entitled to a separate representation from the county, provided the residue of the county shall amount to the ratio; and in such case, the town or city shall be divided into as many separate and equal districts as the number of members apportioned to such town or city; which division shall be made by the tribunal transacting county business in the county, as soon after each apportionment as is practicable, and shall not be changed until after the succeeding apportionment; each of which districts shall elect one representative. *Provided*, however, that when any county having less than three-fifths of said ratio, shall not be contiguous to any other county with less than three-fifths thereof, such county shall nevertheless be entitled to one representative; and in all other cases of small counties, less than three-fifths, they shall be formed into districts containing two-thirds of said ratio, and shall be entitled to one member for the same.

§ 3. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years; who shall not be a free white citizen of the United States; who shall not have been an inhabitant of the State two years and of the county or district which he represents, one year next before his election, if such county or district shall have been so long established; but if not, then of the county or counties, district or districts, from which the same shall have been taken, and who shall not, moreover, have paid a State or county tax.

§ 4. The General Assembly, at their first session after the adoption of this Constitution, shall cause an enumeration of the permanent white inhabitants of the State to be made; and at the first session after the enumeration, shall apportion the number of representatives among the several counties, as directed by the second section of this Article. And every fourth year thereafter, they shall cause a like enumeration to be made, and shall apportion the representatives among the several counties according to the same section, except that two-thirds of the ratio shall be required, instead of three-fifths, to entitle a county to one member.

§ 5. The senators shall be chosen by the qualified electors for the term of four years. No person shall be a senator who shall not have attained to the age of thirty years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State four years next preceding his election, and of the district which he may be chosen to represent, one year next before his election, if such district shall have been so long established—but if not, then of the district or districts from which the same shall have been taken; and who shall not, moreover, have paid a State or county tax within one year next preceding his election.

§ 6. The Senate shall consist of not less than twenty-five nor more than thirty-three members, for the election of whom the State shall be divided into convenient districts, which may be altered from time to time and new districts established, as public convenience may require; and the senators shall be apportioned among the several districts ac-

according to the number of permanent white inhabitants in each; provided that when a senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, nor shall said district, so composed of two or more counties be entitled to more than one senator, and no county shall be divided in forming such a district.

§ 7. At the first session of the General Assembly, the senators shall be divided by lot as equally as may be into two classes. The seats of the first class shall be vacated at the end of the second year, and the seats of the second class at the end of the fourth year, so that one-half of the senators shall be chosen every second year.

§ 8. After the first day of January, one thousand eight hundred and forty-eight, all general elections shall commence on the first Monday in August, and shall be held biennially; and the electors, in all cases except of treason, felony, or breach of the peace, shall be privileged from arrest during their continuance at elections, and in going to and returning from the same.

§ 9. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the General Assembly.

§ 10. Every free white male citizen of the United States, who may have attained the age of twenty-one years, and who shall have resided in this State one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective officers; *provided*, that no soldier, seaman or mariner in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

§ 11. No judge of any court of law or equity, Secretary of State, Attorney General, State Auditor, State or county Treasurer, Register, or Recorder, clerk of any court of record, sheriff, coroner, member of Congress, or other person holding any lucrative office under the United States or this State, militia officers, justices of the peace and postmasters excepted, shall be eligible to either house of the General Assembly.

§ 12. No person who now is, or hereafter may be a collector or holder of public money, nor any assistant or deputy of such collector or holder of such public money, shall be eligible to either house of the General Assembly, nor to any office of profit or trust, unless he shall, prior to his election or appointment, have accounted for and paid all the sums for which he may be accountable.

§ 13. No person, while he continues to exercise the functions of a bishop, priest or clergyman, or teacher of any religious persuasion, denomination, society or sect whatever, shall be eligible to either house of the General Assembly.

§ 14. The General Assembly shall have power to exclude from any office of honor, trust or profit within this State, and from the right of suffrage, all persons convicted of bribery, or other infamous crime.

§ 15. Every person who shall be convicted of having directly or indirectly given or offered any bribe to procure his election or appoint-

ment, or any person who shall give or offer any bribe to procure the election or appointment of any other person, shall, on conviction thereof, be disqualified for an elector and for any office of honor, trust or profit, under this State.

§ 16. No senator or representative shall, during the time for which he shall have been elected, be eligible to any civil office under this State during said term, except such offices as shall be filled by elections by the people.

§ 17. Each house shall appoint its own officers, and shall judge of the qualifications, elections and returns of its own members. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

§ 18. Each house may determine the rules for its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel any member; but no member shall be expelled the second time for the same cause. They shall each, from time to time, publish a journal of their proceedings, except such parts as may, in their opinion, require secrecy, and the yeas and nays on any question shall be entered on the journals, at the desire of any two members.

§ 19. The doors of each house and of committees of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine or imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence, during their session; provided that such fines shall not exceed three hundred dollars, and such imprisonment shall not exceed forty-eight hours for one offence.

§ 20. Neither house shall, without the consent of the other adjourn for more than two days at one time, nor to any other place than to that which the two houses may be sitting.

§ 21. Bills may originate in either house, and may be altered, amended, or rejected by the other, except bills for raising revenue, which shall originate only in the House of Representatives; and every bill shall be read on three different days, in each house, unless two-thirds of the house where same is depending shall dispense with the rule. And every bill having passed both houses, shall be signed by the Speaker of the House of Representatives and by the President of the Senate.

§ 22. When any officer, civil or military, shall be appointed by a joint concurrent vote of both houses, or by the separate vote of either house of the General Assembly, the vote shall be publicly given *vive voce*, and entered on the journals, the whole list of members shall be called and the names of the absentees shall be noted and published with the journal.

§ 23. The senators and representatives, in all cases except of treason, felony or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and

for any speech or debate in either house they shall not be questioned in any other place.

§ 24. The members of the General Assembly shall severally receive from the public treasury a compensation for their services, which may from time to time be increased or diminished by law; but no alteration, increasing or tending to increase the compensation of members, shall take effect during the session at which such alteration shall be made, and no session shall continue longer than sixty days.

§ 25. The General Assembly shall direct by law,

First, In what manner and in what courts suits may be brought against the State.

Second, The cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacity, and the amount of such deductions.

§ 26. The General Assembly shall have no power to pass laws,

First, For the emancipation of slaves without the consent of their owners, and without paying them before such emancipation a full equivalent for such slaves so emancipated, and removing such slaves so emancipated out of this State.

Second, To prevent *bona fide* emigrants to this State, or actual settlers therein, from bringing from any of the United States or from their territories, such persons as may there be deemed to be slaves, so long as any persons of the same description are allowed to be held as slaves by the laws of this State.

Third, To pass any law whereby any debt shall be created, that shall cause the entire indebtedness of the State, contracted under this Constitution, to exceed at any one time, twenty-five thousand dollars, except in cases of war, insurrection or invasion. But the General Assembly may propose by a vote of a majority of all the members elected to both branches thereof the creation of a debt for any specified purpose, which shall be submitted to the direct vote of the people at the next general election thereafter, and if approved by a majority of the qualified voters, shall be of full force and effect, provided that each proposition shall be for one object alone; and provided further, that no more than one proposition shall be submitted by any one session of the General Assembly, and that the debt proposed shall not have a longer time to run than twenty years.

Fourth, It shall have no power to grant any divorce.

They shall have power to pass laws,

First, To prohibit the introduction into this State of any slaves who may have committed any high crime in any other State or Territory.

Second, To prohibit the introduction of any slaves for the purpose of speculation or as an article of trade or merchandize.

Third, To prohibit the introduction into this State of any slave or the offspring of any slave, who heretofore may have been, or who may hereafter be imported from any foreign country into the United States, or any territory thereof, in contravention of any existing statute of the United States, and

Fourth, To prevent the owners of slaves to emancipate them (saving the rights of creditors) where the persons so emancipating will give security that the slaves so emancipated shall be forthwith removed out of the State.

It shall be their duty as soon as may be, to pass such laws as may be necessary,

First, To prevent free negroes and mulattoes from coming to and settling in this State under any pretext whatsoever; provided that nothing in the twenty-sixth section of the third article of this Constitution shall be construed to conflict with the provisions of the first clause of the second section of the fourth article of the Constitution of the United States.

Second, To oblige the owners of slaves to treat them with humanity, and to abstain from all injuries to them, extending to life or limb.

§ 27. In prosecutions for felony and capital crimes, slaves shall not be deprived of an impartial trial by jury, and a slave convicted of a capital offence, shall suffer the same degree of punishment and no other than would be inflicted on a free white person for a like offence; and courts of justice before who slaves shall be tried, shall assign them counsel for their defence.

§ 28. Any person who shall maliciously deprive of life or dismember a slave, shall suffer such punishment as would be inflicted for the like offence if it were committed on a free white person.

§ 29. No private or local bill which may be passed by the General Assembly shall embrace more than one subject, and that shall be expressed in the title.

§ 30. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, and all judges of the courts of law and equity, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit under the State government.

§ 31. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the presiding judge of the supreme court shall preside, and no person shall be convicted without the concurrence of a majority of all the senators elected.

§ 32. A State Treasurer shall be biennially appointed by a joint vote of the two houses of the General Assembly, who shall keep his office at the seat of government. No money shall be drawn from the treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of the public money shall be annually published.

§ 33. The appointment of all officers not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law; and all officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices,

take an oath or affirmation to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

§ 34. The General Assembly shall meet on the first Monday of November, 1848, and thereafter the General Assembly shall meet once in every two years, and each meeting shall be on the first Monday in November, unless a different day be fixed by law.

§ 35. No county now established by law, shall ever be reduced by the establishment of new counties, to less than twenty miles square; nor shall any county hereafter be established which shall contain less than five hundred square miles, nor shall any new county be hereafter organized, so as to entitle such county to a separate representation, unless the number of permanent white inhabitants therein, shall at the time be equal to two-thirds of the ratio of representation then being, but may be organized with a smaller number for all other purposes, civil and military.

§ 36. The style of the laws of this State shall be, Be it enacted by the General Assembly of the State of Missouri.

ARTICLE IV.

Of the Executive Power.

§ 1. The supreme Executive power shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Missouri."

§ 2. The Governor shall be at least thirty years of age, a free white citizen of the United States, and shall have been a citizen of the United States ten years, and of the State of Missouri at least five years next preceding his election.

§ 3. The Governor shall hold his office for four years, and until a successor be duly appointed and qualified. He shall be elected in the manner following: At the time and place of voting for members of the House of Representatives, the qualified electors shall vote for a Governor, and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both houses of the General Assembly, at their next session.

§ 4. The Governor shall be ineligible for the next four years after the expiration of his term of service.

§ 5. The Governor shall be commander-in-chief of the militia and navy of this State, except when they shall be called into the service of the United States; but he need not command in person, unless advised so to do by a resolution of the General Assembly.

§ 6. The Governor shall have power, after conviction, to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons.

§ 7. The Governor shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions, he may convene

the General Assembly by proclamation, and shall state to them the purposes for which they are convened.

§ 8. The Governor shall take care that the laws be distributed and faithfully executed, and he shall be a conservator of the peace throughout the State.

§ 9. When any office, except that of sheriff or coroner, shall become vacant, the Governor shall appoint a person to fill such vacancy, who shall continue in office until a successor be duly appointed and qualified according to law.

§ 10. Every bill which shall have been passed by both houses of the General Assembly, shall, before it becomes a law, be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated, and the house shall cause the objections to be entered at large on its journal, and shall proceed to reconsider the bill. If, after such re-consideration, a majority of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall be in like manner reconsidered, and if approved by a majority of all the members elected to that house, it shall become a law. In all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days, (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if the Governor had signed it, unless the General Assembly, by its adjournment, shall prevent its return, in which case it shall not become a law.

§ 11. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except in cases of adjournment, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

§ 12. There shall be an Auditor of Public Accounts, whom the Governor, by and with the advice and consent of the Senate, shall appoint. He shall continue in office four years, and shall perform such duties as may be prescribed by law. His office shall be kept at the Seat of Government.

§ 13. The Governor shall, at stated times, receive for his services an adequate salary to be fixed by law, which shall neither be increased nor diminished after his election and during his continuance in office.

§ 14. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications as the Governor. The electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant Governor.

§ 15. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole he may debate on all questions; and when there is an equal division, he shall give the casting vote in the Senate, and also in joint vote of both houses.

§ 16. When the office of Governor shall become vacant, by death, resignation, absence from the State, removal from office, refusal to qualify, impeachment, or otherwise, the Lieutenant Governor, or in case of like disability on his part, the President of the Senate *pro tempore*, or if there be no President of the Senate *pro tempore*, the Speaker of the House of Representatives, shall possess all the powers, and discharge all the duties of Governor, and shall receive for his services the like compensation, until such vacancy be filled, or the Governor so absent or impeached shall return or be acquitted; and if at any time the President of the Senate, or Speaker of the House of Representatives shall be the acting Governor, another presiding officer shall be chosen in his place by the body over which he presided.

§ 17. Whenever the office of Governor shall become vacant, by death, resignation, removal from office, or otherwise, the Lieutenant Governor, or other person exercising the powers of Governor for the time being, shall, as soon as may be, cause an election to be held to fill such vacancy, giving three months previous notice thereof; and the person elected shall not thereby be rendered ineligible to the office of Governor for the next succeeding term. Nevertheless, if such vacancy shall happen within eighteen months of the end of the term for which the late Governor shall have been elected, the same shall not be filled.

§ 18. The Lieutenant Governor, or President of the Senate *pro tempore*, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

§ 19. The returns of all elections of Governor and Lieutenant Governor, shall be made to the Secretary of State, in such manner as may be prescribed by law.

§ 20. Contested elections of Governor and Lieutenant Governor, shall be decided by a joint vote of both houses of the General Assembly, in such manner as shall be prescribed by law.

§ 21. There shall be a Secretary of State, whom the Governor, by and with the advice and consent of the Senate, shall appoint. He shall hold his office during the continuance in office of the Governor appointing him, and until his successor shall be duly qualified, unless sooner removed on impeachment. He shall keep a register of all the official acts and proceedings of the Governor, and when necessary shall attest them; and he shall lay the same, together with all papers relative thereto, before either house of the General Assembly, whenever required so to do, and shall perform such other duties as may be enjoined on him by law.

§ 22. The Secretary of State shall keep the seal of State, with such emblems and devices as are directed by law, which shall not be subject to change. It shall be called the "Great Seal of the State of Missouri;" and all official acts of the Governor, his approbation of the laws excepted, shall be thereby authenticated.

§ 23. There shall be elected in each county, by the qualified electors, at the time and place of electing representatives, a sheriff and a coroner; they shall serve for two years, and until a successor be duly appointed and qualified, unless sooner removed for misdemeanors in

office, and shall be ineligible four years in every period of eight years. The sheriff and coroner shall each give security for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and coroner therein, who shall each continue in office until the next succeeding general election, and until a successor shall be duly qualified.

§ 24. Whenever vacancies shall happen in the office of sheriff or coroner, the judges of the tribunal transacting county business, or a majority of them, shall, as soon as may be, cause an election to be held to fill such vacancy, giving fifteen days previous notice thereof; said judges having the power, in the meantime, of making temporary appointments; and the person elected shall continue in office until his successor is duly qualified. Nevertheless, if such vacancy shall happen within six months of the end of the term for which the late sheriff or coroner shall have been elected or appointed, the said judges, or a majority of them, may, in their discretion, order such election, or fill such vacancy by appointment; and the sheriff or coroner so elected or appointed, shall not thereby be rendered ineligible for the next succeeding term.

§ 25. In all elections of sheriff and coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the circuit courts of the counties respectively, shall give the casting vote; and all contested elections for the said offices shall be decided by the circuit courts respectively, in such manner as the General Assembly may by law prescribe.

ARTICLE V.

Of Judicial Power.

§ 1. The judicial power, as to matters of law and equity, shall be vested in a supreme court, circuit courts, county courts, justices of the peace, and such other tribunals inferior to the circuit courts as the General Assembly may from time to time ordain and establish.

§ 2. The supreme court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

§ 3. The supreme court shall have a general superintending control over all inferior courts. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and other remedial writs, and to hear and determine the same.

§ 4. The supreme court shall consist of three judges, any two of whom shall be a quorum. It shall hold two sessions annually at the seat of government, until otherwise directed by law.

§ 5. The Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint the judges of the supreme court; at the first appointment, he shall appoint one judge for the term of four years, one for eight years, and the other for twelve years; and at every

subsequent appointment, each judge shall be appointed for the term of twelve years; and every appointment to fill a vacancy shall be for the residue of the term only, but in all cases the judge shall hold over till a successor is appointed and qualified.

§ 6. The judges of the supreme court shall be conservators of the peace throughout the State; they shall receive at stated times an adequate compensation for their services, to be fixed by law, which shall never be less than one hundred dollars, and shall not be diminished during the term for which they shall have been appointed.

§ 7. The judges of the supreme court, or any two of them, shall appoint the clerk of said court, who shall hold his office for the term of six years, and until his successor is appointed and qualified.

§ 8. No judge shall be elected or appointed to any office of honor, profit or trust, under the government of this State, during the term for which he shall have been elected or appointed, except that a judge of the circuit court may be appointed to the supreme court. If any judge shall offer or consent to be a candidate for any office, under the government of the United States, such offer or consent shall be taken and considered a voluntary resignation of his office.

§ 9. The State shall be divided into ten compact, convenient circuits; which number of circuits shall not be increased within ten years after the adoption of this Constitution.

§ 10. No circuit shall be altered or changed at any session of the General Assembly next preceding the regular election for judges of such circuit, nor shall such change occur oftener than once in six years.

§ 11. For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office for the term of six years, and until his successor shall be elected and qualified. He shall receive at stated times, an adequate compensation for his services, to be fixed by law, which shall never be less than fourteen hundred dollars, and shall not be diminished during the term for which he shall have been elected. After his election he shall reside and be a conservator of the peace in said circuit.

§ 12. If there be a vacancy in the office of any judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court in any county of his circuit, such term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit.

§ 13. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law, and exclusive original jurisdiction over all civil cases in law and equity, not cognizable before county courts, or justices of the peace, until otherwise directed by law; it shall hold its terms in such place in each county, and at such times, as the General Assembly shall by law direct.

§ 14. The circuit court shall exercise a superintending control over all inferior courts, and entertain appeals therefrom in such cases and in such manner as shall be prescribed by law.

§ 15. the circuit court, as a court of chancery, shall have power to

grant divorces, to make such provision for the aggrieved party, and the custody, support and education of minor children, as shall be just and equitable.

§ 16. The supreme court and circuit court shall exercise chancery jurisdiction, in such manner, and under such restrictions, as shall be prescribed by law.

§ 17. No person shall be appointed judge of the supreme court, or elected judge of the circuit court, unless he shall be a citizen of the United States, shall be at least thirty years old, and shall have resided five years in this State.

§ 18. The clerks of the circuit and county courts, shall be chosen by the qualified electors of the county, and shall hold their office for the term of six years, and until their successors shall be elected and qualified; and for any misdemeanor in office, they shall be liable to be tried and removed, in such manner as the General Assembly shall provide by law.

§ 19. There shall be in each county a county court, with power to transact county business, and to perform all such duties as may be prescribed by law.

§ 20. There shall be in each township of every county, chosen by the qualified electors thereof, as many justices of the peace as the public good may require; their powers, duties, compensation, liabilities and tenure of office shall be regulated by law.

§ 21. There shall be a day appointed by law for the election of judicial officers and clerks, distinct from the day of any other election in the State.

§ 22. The Governor, by, and with the advice and consent of the Senate, shall appoint an Attorney General, who shall hold his office for the term of four years, and until his successor shall be appointed and qualified; he shall receive, at stated times, such compensation as shall be allowed him, and shall perform such duties as shall be required by law.

§ 23. The proceedings of all courts and tribunals shall be conducted and their records kept in the English language; all writs and process shall run, and all prosecutions shall be conducted in the name of the State of Missouri; all writs shall be tested by the clerk of the court from which they issue; and all indictments shall conclude against the peace and dignity of the State.

§ 24. Any judge of the supreme or circuit court may be removed from office on the address of two-thirds of each house of the General Assembly for that purpose; but each house shall state on its journal the cause for which it may desire the removal of such judge, and give him notice thereof; and he shall have the right to be heard in his defence, in such manner as the General Assembly shall direct; but no judge shall be removed for any cause for which he might have been impeached.

ARTICLE VI.

Of Education.

§ 1. Schools and the means of Education, shall forever be encouraged in this State, and the General Assembly shall take measures to preserve from waste or damage, such lands as have been, or hereafter may be granted by the United States, for the use of schools within each township in this State, and shall apply the funds which may arise by sale, or otherwise, from such lands, in strict conformity to the object of the grant.

§ 2. There shall be a Superintendent of Public Schools, who shall be appointed, in such mode, and receive such compensation, as the Legislature shall direct.

§ 3. The Legislature shall establish free public schools throughout the State, and shall provide means for their support by taxation on property, and by capitation tax or otherwise. In such schools there shall be no distinction for or against any religious sect or denomination, and all the scholars shall be on terms of equality. And, in all such schools, the English language shall be taught, and all instruction shall be given in that language.

§ 4. There shall be appropriated for the purposes of education, by means of such schools:—

First, The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, whether derived from sales or otherwise, and all lands which may hereafter be granted or devised to the State; and not expressly granted or devised for any other purpose.

Second, The proceeds of the estates of all deceased persons, to which the State has become entitled by law, and which have not been otherwise appropriated; and of the estates of all deceased persons which the State may hereafter become entitled to by law; and of all fines and forfeitures that may hereafter accrue to the State.

Third, All the moneys, with the interest thereon, received by this State from the United States, by virtue of an act of Congress, approved June 23d, 1836, entitled “An act to regulate the deposits of the public money.” *Provided,* that if said money be called for by the United States, it shall be refunded accordingly.

Fourth, The proceeds and incomes of the five hundred thousand acres of land granted by the United States to this State, by an act of Congress, approved September the fourth, eighteen hundred and forty-one: *Provided,* That the Congress of the United States shall assent to this disposition of said five hundred thousand acres: and, *Provided further,* That the interest which may arise from the fund, in this subdivision mentioned, shall be appropriated among the several counties in this State, share and share alike.

And this appropriation shall be held by the State as a loan, and shall be and remain a permanent fund, on which the State shall pay an interest of at least six per centum per annum, which interest shall be appropriated to the support of such schools; and this appropriation shall remain inviolable.

§ 5. All moneys, including principal and interest, arising from the sales, which have been or hereafter may be made, of any lands granted by the United States to this State, for the use of a Seminary of learning; and the proceeds of all such lands remaining unsold; and the proceeds of all donations that may hereafter be made for that purpose, shall be and remain a perpetual fund, upon which the State shall pay an annual interest of at least six per cent., which shall be appropriated to the support of the Seminary of learning, established for the promotion of literature and the arts and sciences, by an act of the General Assembly of this State, approved February the eleventh, Anno Domini one thousand eight hundred and thirty-nine, by the name of "The Curators of the University of the State of Missouri," and located in the town of Columbia, in the county of Boone.

ARTICLE VII.

Stricken out, on second reading.

ARTICLE VIII.

Of Banks and Corporations.

§ 1. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any other bank, to circulate as money.

§ 2. No corporation, except for political or municipal purposes, or for the purposes of education or of charity, shall be created, unless the bill creating the same shall contain a provision that the charter of such corporation may be repealed and annulled by a majority of both houses of the General Assembly. And the stockholders, in all private corporations, except corporations for the purposes of education and of charity, shall be responsible, in their individual and private capacity, for all debts and liabilities, of every kind, incurred by such corporation: Nor shall any corporation be created for a longer period than twenty years: and, *provided*, that no corporation shall exercise any privileges prohibited in the preceding section; and the State shall not be part owner of the stock or property belonging to any corporation: nor shall the Common School or Seminary Funds, nor any other funds or moneys which the State may, at any time, hold in trust for the citizens of this State, be placed in, or loaned to, any bank or other incorporate institution.

§ 3. The Legislature shall prohibit, by law, individuals and corporations, except the Bank of the State of Missouri and its branches, from issuing bills, checks, tickets, promissory notes, or other paper, to circulate as money.

§ 4. The Legislature shall have power, by law, to provide for the sale and final disposition of all or any part of the stock owned by the State in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established; and, if a part, only, of said stock

shall be disposed of, then the number of directors, on the part of the State, shall be diminished in proportion to the amount of stock sold; and whenever the whole stock of the State shall have been disposed of, all right, on the part of the State, to a directory in said bank, shall cease; but the charter, for the benefit of private stockholders, shall not be thereby affected or destroyed.

ARTICLE IX.

§ 1. The power to provide, by law for the organization and government of the Militia, shall be vested in the General Assembly.

ARTICLE X.

Of the disposal of the Soil, and the navigation of Rivers.

§ 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on land, the property of the United States, nor shall lands belonging to persons residing out of the limit of this State ever be taxed higher than the lands belonging to persons residing within the State.

§ 2. The State shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said State, so far as the said river shall form a common boundary to the said State; and any other State or States, now or hereafter to be formed, and bounded by the same, and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this State, shall be common highways, and forever free to the citizens of this State and of the United States, without any tax, duty, impost or toll therefor, imposed by this State.

ARTICLE XI.

The Seat of Government is hereby permanently established at the City of Jefferson, in the county of Cole.

ARTICLE XII.

§ 1. Any amendment or amendments to this Constitution, may be proposed by either house of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published, as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published; and such proposed amendment shall be submitted to the people at the next general election thereafter; and if the people shall approve and ratify such amendment or amendments by a majority

of the qualified voters of the State, cast at that election, such amendment or amendments shall become a part of the Constitution.

ARTICLE XIII.

Declaration of Rights.

That the general, great and essential principles of liberty and free government, may be recognized and established, we declare:

§ 1. That all political power is vested in and derived from the people.

§ 2. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness.

§ 3. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defence of themselves and of the State cannot be questioned.

§ 4. That all men have a natural and indefeasable right to worship Almighty God, according to the dictates of their own consciences; that no man can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel or teacher of religion; that no human authority can control or interfere with the rights of conscience; that no person can ever be hurt, molested, or restrained in his religious professions or sentiments, if he do not disturb others in their religious worship.

§ 5. That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this State; that no preference can ever be given by law to any sect or mode of worship; and that no religious corporation can ever be established in this State.

No religious sect or society should be permitted to accumulate, or hold, in mortmain, large bodies of land, or other property, and all extensive ecclesiastical perpetuities are dangerous to liberty—*provided,*

That any religious society may hold, in any assumed name, so much land as may be necessary for a house and buildings for public worship, for a parsonage, and for a burying ground, and for no other purpose whatever:—and, *provided,*

That nothing in this section shall ever be construed to divest any right or title heretofore vested.

§ 6. That all elections shall be free and equal.

§ 7. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to persons, property or character; and that right and justice ought to be administered without sale, denial or delay; and that no private property ought to be taken or applied to public use, without just compensation.

§ 8. That the right of trial by jury, shall remain inviolate.

§ 9. That in all criminal prosecutions, the accused has the right to

be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and in prosecutions of presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused cannot be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers or the law of the land.

§ 10. That no person, after having been once acquitted by a jury, of felony, or other crime or misdemeanor, can, for the same offence, be again put in jeopardy of life, limb or liberty: but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of said court.

§ 11. That all persons shall be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of *Habeas Corpus* cannot be suspended, unless when in cases of rebellion or invasion the public safety may require it.

§ 12. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

§ 13. That the people ought to be secure in their persons, papers, houses and effects, from unreasonable searches, and seizures; and no warrant to search any place or seize any person or thing, can issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

§ 14. That no person can, for an indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

§ 15. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court; that no person can be attainted of treason or felony, by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives, shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there ought to be no forfeiture by reason thereof.

§ 16. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write and print on any subject, being responsible for the abuse of that liberty; and in all prosecutions for libel, the truth thereof may be given in evidence, and the jury may determine the law and the facts under the direction of the court.

§ 17. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed; nor can the person of a debtor be imprisoned for debt after he shall have surrendered his property for the benefit of his creditors, in such manner as may be prescribed by law.

§ 18. That no person who is religiously scrupulous of bearing arms, can be compelled to do so, but may be compelled to pay an equivalent for military service, in such manner as shall be prescribed by law; and that no priest, preacher of the gospel, or teacher of any religious persuasion, or sect regularly ordained as such, be subject to military duty, or compelled to bear arms.

§ 19. That all property subject to taxation in this State, shall be taxed in proportion to its value.

§ 20. That no title of nobility, hereditary emolument, privilege or distinction, shall be granted; nor any office created, the duration of which shall be longer than the good behaviour of the officer appointed to fill the same.

§ 21. That migration from this State cannot be prohibited.

§ 22. That the military is, and in all cases and at all times shall be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in such manner as may be prescribed by law: nor can any appropriation for the support of an army be made for a longer period than two years.

§ 23. That every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all acts of the legislature contrary to this or any other article of this Constitution, shall be void.

AN ORDINANCE.

Proposing to the Congress of the United States the extension of the South-western Boundary of the State of Missouri.

WHEREAS, The full and free navigation of the Neosho or Grand river of the Arkansas, is indispensably necessary to the prosperity of a large portion of the people inhabiting the south-western part of the State of Missouri, and as said river lies exclusively within the Indian country, and within a few miles of the western boundary line of this State, without its being available;—

Now, Therefore, in order to secure the important benefits of the navigation of said river to the people of this State, this Convention for and in behalf of the people inhabiting this State, and by the authority of the said people, *Do Ordain*, that the following proposition be offered to the Congress of the United States for acceptance or rejection; and which, if accepted by Congress, shall be obligatory upon the State of Missouri, and binding as a part of the Constitution:

That the boundaries of the State of Missouri be altered and extended from the south-west corner of the State, due west, along the parallel of thirty-six degrees and thirty minutes north latitude, to the middle of the main channel of the Neosho or Grand river of the Arkansas; thence, up the middle of the main channel of said stream, to the point of junction of the Neosho with Spring river, and Lost creek, thence up the middle of the main channel of Spring river, to the point where the me

ridian line, which passes through the middle of the mouth of the Kansas river, first strikes Spring river, below the junction of the North Fork with said stream, and above the mouth of Cow creek, so as to include all that tract of land which is situated between the limits described aforesaid, and the present west boundary line of the State.

[The following is the Article reported by the committee, appointed to prepare a Schedule; it was amended on its second reading, and passed to a third reading without being engrossed: it is copied as originally reported in order that the amendments and riders may be applied.]

ARTICLE.

Provisions to put the new Constitution into operation.

§ 1. The Constitution adopted in the year eighteen hundred and twenty, is declared to be superceded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained, as follows:

§ 2. All rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of this Constitution, and not inconsistent therewith, shall continue as if the same had not been adopted.

§ 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no officer shall be superceded thereby, but the laws of the State, relative to the duties of the several officers, executive, judicial and military, shall remain in full force though the same be contrary to this Constitution: and the several duties shall be performed by the respective officers of the State according to the existing laws, until the organization of the Government under the existing Constitution, and the entering into office of the new officers to be appointed or elected under said Government and no longer.

§ 4. The clerk of the county court of every county, in addition to the returns certified by him to the Secretary of State, shall, so soon as the votes given in his county shall have been received, make out and certify to Robert W. Wells, the President of the Convention, a statement of the number of votes given in the county for and against the ratification of the Constitution proposed by this Convention, and so soon as the returns shall be received by the President of the Convention, he shall publish in some newspaper printed in this State, a statement of the number of votes given for and against the ratification of this Constitution in each county, and the aggregate number of votes given for and against such ratification, and he shall also certify such statement to each House of the General Assembly of this State, on the first day of the next session thereof.

§ 5. Within the first five days of its next session, to be begun on the third Monday in November, in the year eighteen hundred and forty-six, the General Assembly shall, in joint meeting, count all the votes given for and against the ratification of the new Constitution, and ascertain whether a majority of the people voting thereon, have cast their votes for the new Constitution or not, and if it shall be ascertained that such a majority have voted in favor of its ratification, the General Assembly

shall immediately, by joint resolution, declare said Constitution to be the supreme law of the land, to take effect immediately.

§ 6. After the passage of the joint resolution provided for in the preceding section, the General Assembly shall, at the same session, pass all laws that may be necessary and proper to sell and transfer the Bank stock, or any part of it, owned by the State, and to carry into effect the provisions of the new Constitution, and to put and keep the government in operation under the same, till another General Assembly shall be elected under the new Constitution; it shall have power to pass private and local acts, but shall not pass any laws of a general and public nature, except such as may be strictly necessary to carry on the government, and its session shall not last more than twenty days.

§ 7. Until an enumeration and apportionment shall be made, under this Constitution,

The county of Andrew shall have one Representative;

Barry	"	one	"
Bates	"	one	"
Benton	"	one	"
Boone	"	two	"
Buchanan	"	two	"
Callaway	"	two	"
Cape Girardeau	"	two	"
Chariton	"	one	"
Clay	"	two	"
Cole	"	one	"
Cooper	"	two	"
Crawford	"	one	"
Carroll	"	one	"
Franklin	"	two	"
Gasconade	"	one	"
Greene	"	two	"
Henry	"	one	"
Howard	"	two	"
Jackson	"	two	"
Jasper	"	one	"
Jefferson	"	one	"
Johnson	"	one	"
Lafayette	"	two	"
Lewis	"	one	"
Lincoln	"	two	"
Linn	"	one	"
Livingston	"	one	"
Macon	"	one	"
Madison	"	one	"
Marion	"	two	"
Miller	"	one	"
Monroe	"	two	"
Montgomery	"	one	"
Morgan	"	one	"
New Madrid	"	one	"
Newton	"	one	"

The county of Dallas shall have one Representative;

Osage	"	one	"
Platte	"	three	"
Perry	"	one	"
Pettis	"	one	"
Pike	"	one	"
Polk	"	one	"
Pulaski	"	one	"
Ralls	"	one	"
Randolph	"	two	"
St. Charles	"	two	"
St. Francois	"	one	"
Ste. Genevieve	"	one	"
St. Louis	"	ten	"
Saline	"	one	"
Shelby	"	one	"
Taney	"	one	"
Van Buren	"	one	"
Warren	"	one	"
Washington	"	two	"
Wayne	"	one	"
Harrison	"	one	"
Lawrence	"	one	"
Hickory	"	one	"
Moniteau	"	one	"
Nodaway	"	one	"
Clark	"	one	"
Scotland	"	one	"
Clinton &	"	one	"
De Kalb	"	one	"
Ozark	"	one	"
Adair &	"	one	"
Schuyler	"	one	"
St. Clair	"	one	"
Putnam &	"	one	"
Sullivan	"	one	"
Mississippi	"	one	"
Scott	"	one	"
Audrain	"	one	"
Shannon,	"	one	"
Ripley &	"	one	"
Reynolds	"	one	"
Dunklin &	"	one	"
Stoddard	"	one	"
Atchison &	"	one	"
Holt	"	one	"
Gentry	"	one	"
Grundy &	"	one	"
Mercer	"	one	"
Knox	"	one	"

The counties of Oregon & Texas	}	one	
Camden	"	one	
Davis	"	one	
Caldwell	"	one	
Dade & Cedar	}	one	
Wright	"	one	
Ray	"	two	

§ 8. Until an enumeration and apportionment shall be made under this constitution:

The counties of St. Charles and Lincoln	shall have	one Senator;
Pike and Ralls	"	one "
Marion and Monroe	"	one "
Scotland, Lewis, Clark, Knox and Schuyler	}	one "
Sullivan, Putnam, Harrison, Grundy, Mercer and Gentry	}	one "
Holt, Atchison, Nodaway and Andrew	}	one "
Buchanan, De Kalb and Clinton	"	one "
Platte	"	one "
Clay and Ray	"	one "
Livingston, Linn, Carroll, Caldwell and Davis	}	one "
Haward and Chariton	"	one "
Macon, Adair, Shelby and Randolph	}	one "
Boone and Audrain	"	one "
Ste. Genevieve, Ste. Francois and Perry	}	one "
Cape Girardeau and Wayne	"	one "
Scott, Mississippi, New Madrid, Stoddard and Dunklin,	}	one "
Reynolds, Shannon, Texas, Madison, Ripley, Oregon and Wright	}	one "
Greene, Taney and Ozark	"	one "
Jackson and Van Buren	"	one "
Lafayette and Johnson	"	one "
Lawrence, Barry, Newton and Jasper	}	one "
Polk, Hickory, Camden and Dallas	}	one "
St. Clair, Henry, Bates, Cedar and Dade	}	one "
Pettis, Benton and Saline	"	one "
Cooper and Moniteau	"	one "

The counties of Cole, Miller and Morgan shall have	one	Senator.
Callaway and Montgomery	"	one "
Franklin and Warren	"	one "
St. Louis	"	three "
Crawford, Washington and Jefferson	"	one "
Gasconade, Osage and Pulaski	"	one "

§ 9. The first general election under this Constitution, shall be on the first Monday in August, in the year eighteen hundred and forty-seven, but no members of the General Assembly shall be then elected, and on the first Monday in August every two years thereafter, a general election shall be held. The first session of the General Assembly elected under this Constitution, shall meet on the first Monday of November, in the year eighteen hundred and forty-nine, and it shall hold a regular session every two years thereafter.

§ 10. On the first Monday in August, in the year eighteen hundred and forty-seven, an election shall be held for judges of the circuit court, and for clerks of the circuit and county courts; and every six years thereafter there shall be an election for such officers, which shall be on the first Monday in September. The judges and clerks shall enter on the duties of their respective offices on the first Monday in January succeeding their election.

§ 11. If any vacancy shall happen in the office of judge or clerk, an election shall be ordered by the Governor to fill the vacancy; but if such vacancy happen within one year of the expiration of the term of such judge, the vacancy shall be filled by an appointment by the Governor. Circuit and county courts shall have power to appoint temporary clerks, to continue in office till such vacancies can be filled by election.

§ 12. An election for Governor and Lieutenant Governor shall be held on the first Monday in August, in the year eighteen hundred and forty-seven, and every four years thereafter, and their term of office shall commence on the first Monday in November following. The term of office of the present Governor and Lieutenant Governor shall terminate so soon as their successors elected under this Constitution shall be qualified, but they shall not be rendered ineligible to the same office, at the first election under this Constitution.

§ 13. The General Assembly, at its first session in the present year, shall make suitable provision for holding elections, making returns and counting the votes for all officers to be elected under this Constitution, prior to the first session of the legislature to be elected under the same, and shall also provide some mode by which the votes for Governor and Lt. Governor shall be counted, determined and certified, and how those officers shall be notified, qualified and inducted into office.

§ 14. An Auditor of Public Accounts, and an Attorney General, shall be appointed by the first Governor to be elected under this Constitution, so soon after he shall enter on the discharge of the duties of his office, as practicable, and such officers shall hold their offices for four years.

§ 15. The first appointment of judges of the supreme court under this Constitution, shall be made by the first Governor elected under this Constitution as soon as practicable after he enters on the duties of his office.

STATEMENT

Of the Expenses of the Convention.

Names of Members and Officers.	Number of Miles.	Am't of Mileage.	Number of days.	Am't of per diem.	Aggregate.	Additional days.	Grand total.
Wells, Robt. W., President.....			53	\$238 50	\$238 50	20	\$328 50
Acock, Robert E.....	280	33 60	53	159 00	192 60	6	210 60
Alexander, Corbin.....	280	33 60	53	159 00	192 60	6	210 60
Anderson, Thomas L.....	220	26 40	53	159 00	185 40	5	200 40
Applegate, Lisbon.....	180	21 00	53	159 00	180 60	6	198 60
Bassett, J. M.....	400	48 00	53	159 00	207 00	6	225 00
Bevitt, E. D.....	250	30 00	53	159 00	189 00	6	207 00
Branstetter, Daniel.....	294	35 28	53	159 00	194 28	0	194 28
Broadhead, James O.....	180	21 60	53	159 00	180 60	6	198 60
Brooking, Charles M.....	75	9 00	48	144 00	153 00	6	171 00
Brown, Roland.....	160	48 00	53	159 00	207 00	6	225 00
Buford, John.....	0	36 00	53	159 00	195 00	6	213 00
Bunch, Samuel H.....	280	33 60	53	159 00	192 60	6	210 60
Campbell, Wm. M.....	250	32 00	53	159 00	191 00	6	209 00
Cannon, Franklin.....	40	48 00	16	148 00	96 00	0	96 00
Coalter, John D.....	250	30 00	48	144 00	174 00	6	192 00
Davis, William M.....	48	5 76	53	159 00	164 76	6	182 76
Ewing, T. M.....	254	31 68	41	123 00	154 68	5	161 68
Farquhar, James.....	230	27 60	53	159 00	186 60	6	204 60
Finch, Aaron.....	340	40 80	53	159 00	199 80	6	217 80
Forshey, A. O.....	100	12 00	53	159 00	171 00	6	189 00
Foster, Joseph.....	266	31 92	53	159 00	100 92	6	208 92
Fulkerson, James M.....	560	67 20	53	159 00	226 20	6	244 20
Gentry, Joshua.....	180	21 60	53	159 00	180 60	6	198 60
Gibbony, Robert.....	220	52 40	53	159 00	221 40	5	239 40
Green, James S.....	500	36 00	53	159 00	195 00	6	213 00
Griffin, John C.....	370	44 40	53	159 00	203 40	6	221 40
Hickman, David M.....	50	6 00	53	159 00	165 00	6	183 00
Horine, Thomas.....	330	39 00	52	156 00	195 60	6	213 60
Hunt, Ezra.....	180	21 60	53	159 00	180 60	6	198 60
Hunter, Abraham.....	500	60 00	53	159 00	219 00	6	237 00
Hyatt, Frederick.....	280	33 60	53	159 00	192 60	6	210 60
Jackson, C. F.....	120	14 40	53	159 00	173 40	6	191 40
Jackson, Hancock.....	160	19 20	53	159 00	178 20	6	196 20
James, Burton A.....	300	36 00	53	159 00	195 00	6	213 00
Jones, James L.....	350	42 00	53	159 00	201 00	6	219 00
Jones, Wm. C.....	450	54 00	53	159 00	213 00	6	231 00
Jones, Charles.....	160	19 20	53	159 00	178 20	6	196 20
Kincheloe, Elias.....	200	24 00	53	159 00	183 00	6	201 00
Leslie, Miron.....	280	33 60	53	159 00	192 60	5	204 60
Marmaduke, M. M.....	130	15 60	53	159 00	174 60	5	189 60
Massey, Benj. F.....	30	40 80	53	159 00	199 80	6	217 80
McHenry, John.....	330	39 60	53	159 00	188 60	6	216 60
Mitchell, Nathaniel C.....	272	32 64	53	159 00	191 64	5	206 64
Morrow, James W.....			53	159 00	159 00	6	177 00
Neaves, Thomas B.....	320	38 40	53	159 00	197 40	5	212 40
Nickel, Joseph B.....	500	60 00	53	159 00	219 00	6	237 00
Pannell, Wm. B.....	90	10 80	53	159 00	169 80	6	187 80
Pinkin, Philip.....	320	38 40	53	159 00	197 40	6	215 40

Names of Members and Officers.	Number of Miles.	Am't of Mileage.	Number of days.	Am't of per diem.	Aggregate.	Additional days.	Grand total.
Pitt, John E.....	416	49 92	51	153 00	202 92	6	220 92
Polk, Truaten	280	33 60	53	159 00	192 60	5	207 60
Porter, David	400	48 00	53	159 00	207 00	6	225 00
Shields, William.....	120	14 40	53	159 00	173 40	6	191 40
Simonds, Moses H.....	540	64 80	53	159 00	223 80	6	241 80
Simpson, Duke W.....	334	40 08	53	159 00	199 08	5	214 08
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		\$2120 60		\$10,297 50	\$12,418 10		\$13,612 10

The above Statement, with the exception of the two last columns was furnished by the Committee of Accounts. Their Statement comprehended all expenses on account of pay of members, &c., up to the 8th of January, 1846, inclusive. The two last columns, and the following exhibits, were made out after the adjournment by the President and Secretary.

OFFICERS.

Walker, Robert, Secretary,.....	\$328 50
Baskett, Wm. B., Assistant Secretary,.....	265 50
Walker, John George, Clerk,.....	78 00
Jackson, Richard B., Door-keeper,.....	177 00
Rev. C. S. Hedges, Chaplain,.....	50 00
Rev. W. H. Lewis, Chaplain,.....	50 00
	<u>\$949 00</u>

CONTINGENT EXPENSES.

<i>Amounts paid to</i>	
Hiram H. Baber, for services as Clerk,.....	\$31 50
Wm. E. Dunscomb, ...	3 00
H. H. Hough, ...	1 50
L. J. Easton, ...	12 00
A. C. Olds, ...	6 00
Wm. Harrison, ...	6 00
John Sharp, ...	3 00

Henry Cordell, for a Blank Book,.....	1 25
Mrs. Anna Rootes, for hire and board of negro man,	29 96
William Monroe, " " " "	30 08
William Shields, " " " "	29 96
Lewis Bolton, " " " "	29 96
Richard B. Jackson, for hire of servants,.....	3 00
J. Paulsel, for fuel,.....	81 25
Henry Niedecker, for preparing parchment,....	1 75
Wm. S. Douglass, for hoisting flag,.....	15 00
A. Fisher, for Stationery and Insurance thereon,...	488 28
James Lusk, for Printing, &c., 3,000 Journals; and for Job printing,.....	1,415 37
Estimated cost (by the President) of Printing, &c., of 20,000 copies of the Constitution,.....	380 00
	\$2,568 86

RECAPITULATION.

Pay of President and Members,.....	13,612 10
Pay of Officers,.....	949 00
Contingent expenses, ...	2,568 86
Total amount paid out of or chargeable to the appropria- tion for the Convention,.....	\$17,129 96
To which should be added the following amount, paid out of the contingent fund, to wit: Amount paid for Candles and Gas, &c.....	148 39
	\$17,278 35
From which deduct Stationery, Candles, &c., on hand, estimated at	160 00
Actual cost of the Convention,.....	\$17,118 35

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